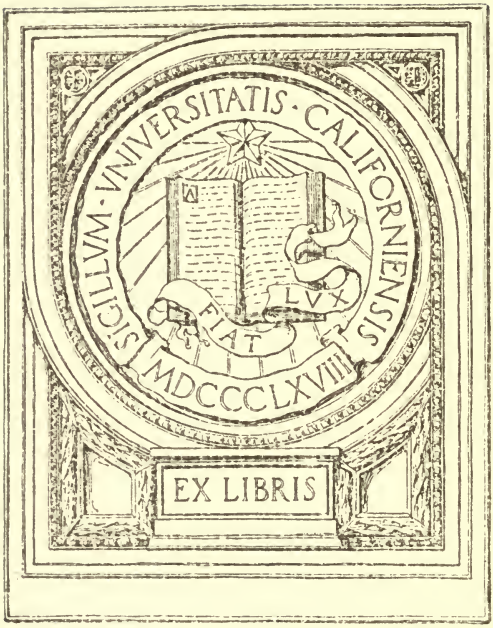
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A HISTORY

OF THE

PEOPLE OF THE UNITED STATES,

FROM THE REVOLUTION TO THE CIVIL WAR.

BY

JOHN BACH McMASTER,

UNIVERSITY OF PENNSYLVANIA.

IN EIGHT VOLUMES

VOLUME VII.

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To the Memory of

my Mother.

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HISTORY

OF THE

PEOPLE OF THE UNITED STATES.

CHAPTER LXXI.

THE CURRENCY FAMINE AND THE BANKRUPT STATES.

To more than one onlooker who watched with anxiety the course of events in the autumn of 1841, the day seemed at hand when the great Whig party would be stripped of political power. The President was a Democrat; in the Cabinet were Democrats; and what was far more serious, fifteen States carried for Harrison in 1840 were carried, or wellnigh carried, by the Democrats in the autumn elections of 1841. That the excitement wrought by the singular campaign of 1840 should be followed by a period of reaction was inevitable. Apathy was everywhere visible, and discontent all but universal. The fine promises of Whig journals and Whig orators had not been fulfilled. Wages had not increased; times had not grown better; the currency was still in disorder; most of the banks refused to pay in specie; the debts of the States were still increasing; mills and factories were closing down; and in place of the promised "two dollars a day and roast beef," we have, said the Democrats, "ten cents a day and bean soup." The change for which, Webster said, the people longed, the change from hard times to easy times, from a bad currency to good currency, from heavy taxes to light taxes, from low wages to high wages, from general depression to prosperity, had not yet come about. Angry and disappointed, the people came rapidly to what Van Buren called the sober second thought, and at

the autumn elections of 1841 deserted the Whigs by thousands.

Scarcely were the ceremonies of the inauguration over when this revolution backward, as it was called, began in New York, where twenty towns and seven supervisors were lost by the Whigs. Between that time and the day when Tyler vetoed the Fiscal Bank bill elections were held in Indiana, Illinois, Kentucky, Tennessee, Alabama, and Vermont. In Indiana there was such defection from the Log Cabin ranks that a Whig majority of seventeen in the Senate was cut down to seven, and a Whig majority of fifty-five in the House was changed to a Democratic majority of eleven. In Illinois the Whig loss at the polls was more than eleven thousand. In Tennessee Polk received more votes for Governor than did Van Buren for President, and the Whig candidate for Governor fell eight thousand behind the vote for Harrison. In Alabama the shrinkage was near five thousand, while in Vermont, which gave Harrison fourteen thousand majority in 1840, the Whigs could muster but two thousand plurality for their candidate for Governor in 1841.*

All this was bad enough, but worse followed in September, October, and November. The electoral vote of Maine had been cast for "Tip and Ty," but the Democrats now chose a Governor and more than half of each branch of the legislature. New Jersey had been a Log Cabin State, but the Whig majority of forty-three on a joint ballot of the legislature was now reduced to twelve, and in the Council the gain of four members by the Democrats made the party vote a tie. In Maryland the Whigs polled less by nine thousand, and the Democrats elected a Governor and turned a Whig majority of forty-one in the House of Delegates into a Democratic majority of six. In Georgia the Whigs won a great victory in 1840; but discontent was very strong and the Democrats easily overcame them in 1841. In Ohio forty-two thousand Whigs stayed away from the polls and the Locofocos carried their State by a small margin. Alarmed

* Whig, Democratic, and Abolition candidates were before the people. So close was the vote that no candidate received a majority, and Governor, Lieutenant-Governor, and Treasurer were elected by the Whig legislature.

by this unbroken series of defeats, the Whig Central Committee of New York addressed the voters and besought them to wake up and come to the polls. Such was the apathy, however, that when the election was over the Whig vote was fifty-two thousand less than the year before, and both branches of the legislature were Democratic.* In Massachusetts the Whig vote fell off eighteen thousand, in Pennsylvania thirty thousand, and in Michigan, a Harrison State in 1840, the Democrats elected a Governor, a majority of the Senate, and all the members, save one, of the House.

Whig journals ascribed these humiliating defeats to apathy, to the widespread disgust caused by the two vetoes, to the quarrel between Tyler and the Cabinet, to the lack of any general issues, and to local troubles. Anyone, it was said, who would take the pains to scan the returns could see that the Locofocos won through Whig default. In fifteen important States the total Whig vote was less by two hundred thousand than in 1840. These lost votes did not go to the Democrats, for nowhere had they made any large gain and in many States they, too, had suffered losses. Whigs had deliberately stayed away from the polls.

The Democrats, on the other hand, declared the causes of the Whig defeat were the sober second thought of the people; inability to repeat the barefaced frauds on the ballot box so shamefully perpetrated in 1840; the enormities of the extra session; the dictatorship of Henry Clay and the failure of the Bank of the United States which had so often provided a fund for the purchase of Whig votes. Now that victory was won, the Democrats, it was said, should go on and use it, go on at once and reform the banks, bring back specie payment, restore the currency, stop the ruinous systems of miscalled internal improvements, rebuild the credit of the States and repeal the act distributing the proceeds of the sales of public lands. That odious measure, it was said, gave away part of the public money for enterprises over which the States had sole control, paid the civil debts of the States out of the Fed-

* National Intelligencer, November 27, 1841. The Democratic vote was 27,900 less.

eral Treasury, was an attempt to undermine the independence of the States by making them pensioners on the General Government, was indirectly an assumption of State debts chiefly held by foreigners, and was, therefore, nothing but a scheme to divide the public domain among a parcel of London bankers.*

To force a Whig Congress to repeal the act would perhaps be impossible; but each State whose legislature was Democratic had a remedy in its own hands. It could refuse to take its share of the corruption fund, or, if taken, use the money for works of common defence within its borders. This would be at once a rebuke and the carrying out of the principle of a substitute for the distribution bill offered by Senator Linn.† The suggestion met with general favor, was recommended by the Democratic press, and before the year closed Alabama ‡ and South Carolina § rejected their shares, and the Senate of Georgia || resolved that if Congress, at the next session, failed to repeal the Distribution act, the Governor should be authorized not to receive a dollar of the money. Before adjourning in the spring of 1842 the legislature of Mississippi declared the Distribution act a subsidy which could not be accepted by a sovereign State, refused to appoint an agent to receive any part of the money, and bade her Senators and asked her Representatives to vote for the repeal of the law.¶ New Hampshire resolved that distribution was illegal, ill-timed, ill-advised, ruinous, and without "countenance in the Constitution," and finally refused to receive her share.** The Governor of Michigan, in his annual message, argued that if the public lands belonged to the States in which they were, then distribution was unjust to them; if the public domain

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* Globe, October 22 and 30, 1841; New Hampshire Gazette, October 22, 1841.

† Globe, November 8, 1841.

‡ Globe, November 29, 1841; Journal of U. S. Senate, January 21, 1842, pp. 108, 109.

§ Globe, December 23, 1841; Senate Documents, No. 101, 27th Congress, 2d Session, vol. ii.

‖ Globe, December 10, 1841.

¶ Ibid., April 2, 1842.

** Resolves of New Hampshire, Chapter 32, December 23, 1842.

was a common fund, then the distribution of the land sales was a violation of the terms on which the lands had been ceded to the United States, and urged that, if the money were accepted, the legislature should protest against the principle of distribution.* Connecticut called for repeal.† The Governor of Illinois regarded the Distribution act as an exercise of power not granted Congress, and a clear case of usurpation. There was, indeed, dire need of money, and this, in the opinion of many, was a good reason for accepting the gift; but principle, not greed, should guide the legislature in its action.

The share of Maryland was over fifteen thousand dollars. But the Government had invested Indian trust funds in Maryland bonds; the defaulted interest on them amounted to over nineteen thousand dollars, so no money was paid her.‡ Virginia refused to appoint an agent to receive her share. Maine beheld with consternation and alarm this assumption of power by Congress, and bade her Senators and requested her Representatives do all they could to secure a repeal of the Distribution act. In New York a committee laid before the legislature a long report and a resolution calling on her Senators and Representatives to vote for an immediate repeal.§ Tyler in a long message asked for such action.‖

The second duty of the Democratic party, as set forth by its press, was to restore to the people a sound currency. Bank reform—immediate, thorough, lasting, was a sacred duty and must be done. Suspension was a crime, a base crime, the work of British agents, Biddle's Bank, and Federal politicians. Their object was to ruin the currency, lay the blame for hard times on the Democrats, and seek, by these means, to destroy the party.

Wherever that party had the upper hand resumption and reform must be its motto.¶ Suspended banks must be forced to resume or wind up their business. This done, the people

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* Michigan Joint Documents, Session 1842, vol. i, pp. 21, 22.

† Journal of the U. S. Senate, 27th Congress, 2d Session, p. 500.

‡ Message of the Governor, December 27, 1842.

§ Globe, March 30, 1842; Journal U. S. Senate, 27th Congress, 2d Session, p. 301.

‖ March 25, 1842.

¶ Globe, October 14, 1841.

would have a gold and silver currency, or its equivalent, and all differences of exchange would disappear. Such differences were, in fact, but differences in value of local currencies. Exchange between Washington and New York was three, but it ought not to be over one half per cent. Between New York and Cincinnati, Louisville, and St. Louis exchange was from five to ten per cent, though two per cent was ample. The difference between what it was and what it should be was the measure of a depreciated currency. Let Democratic legislatures therefore force the banks to resume.*

Aroused by such advice, the merchants of Macon, in Georgia, resolved to take the notes of specie-paying banks at par, and all others at a heavy discount. Thus started, the Macon Specific, as it was called, spread rapidly. One hundred and thirty-four houses, firms, and factories at Augusta, signed an agreement to adopt it. The Wisconsin farmers pledged themselves not to take depreciated notes for their grain. Those of Michigan did the same.† Owners of the steamboats plying between Alexandria and Georgetown announced that the fare between the two towns would be twenty-five cents when paid in specie, and fifty cents when paid in paper. A public meeting in Philadelphia bade a committee consider the expediency of forming an association of citizens pledged to accept and pass, as currency, nothing but specie, or bank-notes reduced to a specie basis.

At Cincinnati the state of the currency bred a riot. Toward the end of a business day, in January, 1842, the Miami Exporting Company Bank suspended and closed its doors. On the following morning its notes and those of the Cincinnati Bank, another "shin-plaster institution," were refused in market. A run was promptly made on the Cincinnati Bank which posted a notice of suspension for twenty days and attempted to close its doors. The crowd would not suffer this to be done, called loudly for specie, and became so threatening that the clerks fled from the room. The mob then seized the counters, desks, and furniture and threw them into the street;

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* Kendall's Expositor, Globe, October 22, 1841.

† Globe, October 14 and 15, 1841.

tore up the blanks, vouchers, books, and papers, and attempted to break into the vault. One man took a clock in satisfaction of a ten-dollar note, another went off with a chair, and when the sheriff appeared and expostulated with the rioters he was picked up and carried out of the building. Later in the day the Miami Exporting Company Bank, and then the Exchange Bank, were broken into and looted. The mayor, the sheriff, the city guards, and the firemen, who made desperate efforts to protect property, were driven off with clubs and brickbats, and before night the offices of two exchange brokers were wrecked and two hundred and twenty-four thousand dollars were taken from the vaults of the Miami Bank.* As native Americanism was beginning to run high in Cincinnati the blame for these deeds was laid on the Germans, who vigorously denied the charge and declared that the population of the city, native and foreign, looked on well pleased to see the shin-plaster banks destroyed.† When the news of the riot reached Louisville a crowd gathered about the office of an exchange broker and sacked it.

Alarmed at the Cincinnati outbreak, the legislature of Ohio, a few days later, passed a resolution which set forth that "a community of interest and reciprocity of feeling" existed between Ohio and Pennsylvania on the all-engrossing subject of the currency, pledged Ohio to force her banks to resume or go into liquidation, and called on Pennsylvania to take immediate action to compel early and absolute resumption. Resolutions in the same language and addressed to Virginia, Kentucky, Illinois, and Michigan were also adopted.‡ A month later Ohio redeemed her pledge and enacted a law requiring her banks to resume specie payment on March fourth or lose their charters and be deemed insolvent.§

Three-and-twenty banks complied with the law; but the charters of thirteen of them were to expire on the last day of December, 1843. The great question in the campaign of 1842,

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* Cincinnati Inquirer, January 12, 1842. Cincinnati Republican, January 12, 1842.

† Native American Bulletin, January 29, 1842.

‡ Laws of Ohio, 1842. January 21, 1842, pp. 207–210.

§ Laws of Ohio, 1842. Act of February 18, 1842.

therefore, was whether the charters should or should not be renewed. The decision at the polls was against the banks; but when the Governor met the legislature in December he warned it against hasty action. The capital of the doomed thirteen, he reminded the legislature, was some five million dollars which must be withdrawn from trade and paid to stockholders of whom many were out of the State. Should this be done, the payment of debts would be still further delayed, the value of property still further sunk, and the sufferings of the debtor class still further increased. If, however, the legislature was of the opinion that bank paper should be withdrawn, then the best plan was not to renew the charters, and as two more would expire on the first of January, 1844, and those of the eight then remaining in a few years, the people would come gradually to a purely metallic currency. In that event steps should be taken at once to shut out the notes of other States, for they would surely come in to replace those of the defunct banks. The charters were not renewed, and on the first of January, 1843, there were but ten banks in Ohio.

What the Governor foretold now took place, and the people of Ohio were soon dependent on banks of neighboring States for their supply of currency. A change of feeling followed, and in the next campaign the question of banks or no banks was one of the issues. The bank party won and by a new law the State was cut into twelve banking districts, the banking capital was limited to six and a half million dollars, and the number of banks there might be in each district was definitely stated.*

Louisiana decreed that her banks must pay specie from and after the last day of September,† and must accept a new and stringent banking law within twenty-five days after its publication in the newspapers, or forfeit their charters. Ten of the sixteen banks in New Orleans refused, or were unable to accept the law. The charters of three—the Orleans, Atchafalaya, and the Exchange—were thereupon put in sequestration by the Attorney-General; proceedings were begun against

* Act of February 24, 1845.

† Laws of Louisiana, 1842, No. 22, February 5.

the other outlaws; and the President of the Exchange Bank, who was also owner of the Merchants' Bank, the cashier of the Exchange Bank, and the paying teller of the Atchafalaya fled from the city.* Such banks as obeyed the law paid out their own notes stamped "redeemable on the fifth of December, 1842," † and continued to do so till the middle of May, when, at a meeting of bank presidents, ten agreed to resume specie payment the next morning.‡ Three failed to keep the agreement, but seven stood firm and before the day ended found that the amount of specie drawn out was much less than had been expected.§

Notes issued by the three municipalities of New Orleans, notes which the banks were not required to redeem, now suffered a rapid depreciation. Great excitement followed, for the people, having lost all faith in the banks, had looked on the notes of the municipalities as perfectly safe, had taken them in preference to bank bills, had hoarded them, and, when depreciation set in, saw with alarm their hard-earned savings rapidly melt away. In the course of a few days their anger rose so high that the hucksters and small dealers from the lower market gathered on the Place d'Armes, and, after listening to what were described as agrarian addresses, went off to the offices of the mayor and the treasurer of the First Municipality. The mayor made a speech, declared that the notes of all the municipalities would be redeemed at par, and asked for a committee of conference. The committee was appointed, and while it was with the mayor, some one in the crowd cried out in French, "Down with the banks." A rush up Charles Street followed, and the work of sacking the offices of the exchange brokers began. The more sane-minded people, however, rallied, rushed upon the mob, scattered it and seized a few rioters. On the following morning the market people refused to sell, or suffer others to sell, meat or provisions till the municipalities promised to redeem their notes.

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* New Orleans Advertiser, March 13, 1842.

† Public Ledger, April 4, 1842.

‡ Specie payment was resumed on May 16. Pennsylvanian, May 24, 1842.

§ New Orleans Bee, May 17 and 18, 1842.

Excitement ran so high that Federal soldiers were quartered in the public buildings opposite the Place d'Armes * and the municipalities made haste to arrange for the speedy redemption of their notes.† But the end was not yet, and late in May, because of a rumor of some disagreement among the banks over matters of policy, a heavy run was made on them and in a few days three suspended "till the fifth day of December." ‡ Those which paid specie now refused to receive the notes of such as did not, were denounced for this by the newspapers as "oppressors," and told that they "must obey the *vox populi*" and suspend specie payment, or take the paper of the other banks.§ About the middle of June the Board of Currency announced that it had failed to persuade the banks to give the security necessary to enable them to receive each other's notes and that only five had accepted the conditions required.‖ The currency of the city was then in frightful confusion, and notices were posted in three public places calling on the people to meet at the Place d'Armes and prepare to redress their wrongs by seizing the banks.¶ Notes of the banks passed at discounts varying from twenty to sixty-two per cent, and all business suffered accordingly. Blame for this state of affairs was laid on the brokers and money changers, who became so odious that the General Council passed an ordinance requiring each broker to procure a license for which he must pay four thousand dollars a year. Failure to do so entailed a fine of one hundred dollars a day.**

At St. Louis the currency consisted of city and county warrants, issued in such quantity that redemption was out of the question. Depreciation followed, and when the people grumbled, councils blamed the brokers, and brought forward an ordinance forbidding them to do business in the city. Feel-

* New Orleans Picayune, May 22, 1842.
† Globe, May 24 and 31, 1842.
‡ Pennsylvanian, June 13, 1842.
§ New Orleans Courier, June 11, 1842.
‖ Philadelphia Public Ledger, June 27, 1842.
¶ New Orleans Courier, June 18, 1842.
** Philadelphia Public Ledger, July 8, 1842. The mayor vetoed the ordinance.

ing against them was so bitter that one evening early in June the people met to discuss the state of the currency, and were in hot debate in the council chamber when a cry of fire brought them into the street. The alarm proving false, the excited crowd went off to the office of one of the large note brokers and was about to loot it, when the mayor and the police appeared and restored order.* At the next session of the legislature, city, county, and town scrip were suppressed,† corporations of all sorts, the State Bank excepted, were forbidden to make or use any kind of paper money; and after July first, 1843, no bank-notes under five dollars, it was ordered, should be circulated in the State.‡

Michigan currency consisted of small bills under a dollar, issued by municipal corporations; of notes put out unlawfully by corporations that did not have banking rights; of bank-notes made redeemable in other States, or in the notes of banks in other States, and of scrip or treasury notes issued by the State of Michigan, and which passed at thirty per cent discount. The Governor in his annual message dwelt at great length on the evils brought on the people by these wretched substitutes for money, and the legislature by one act forbade corporations to issue small notes § and by another required all banks to resume specie payment at once or forfeit their charters.‖ A few obeyed, whereupon the charters of sixty-three others were promptly repealed and sixty-three sorts of paper currency went out of circulation.¶

State scrip, however, remained, passed current at a heavy discount, and as it was taken at par in payment of taxes the State Treasurer reported that scarcely anything else came into the Treasury, that the State was without funds to meet expenses, and that not enough money was on hand to pay the members of the legislature. At the next session of the legisla-

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* Philadelphia Ledger, June 16, 1842.

† Laws of Missouri, Act of February 17, 1843.

‡ Act of February 28, 1843.

§ Act of February 11, 1842, No. 23.

‖ Act of January 17, 1842.

¶ Acts Nos. 40, 41, February 16, 1842.

ture all scrip in the Treasury, all unsigned sheets, and the plates in the hands of the engraver were ordered destroyed.

At Baltimore the currency consisted almost entirely of Baltimore and Ohio Railroad orders, or notes issued on city stock. Nobody, however, would take them at par, and when the discount had reached fifteen per cent, city councils authorized the payment of five per cent interest on the orders from the first of January, 1841. The mayor vetoed the bill, and, when the second branch passed it over his veto, sent in his resignation. A joint committee of the two branches persuaded him to withdraw his letter of resignation, whereupon the first branch failed to pass the bill over the veto.*

When the Maryland legislature assembled the House of Delegates addressed a circular to each bank in the State, asking if it were ready to resume specie payment, and if not ready, what were the reasons. Twelve Baltimore banks replied promptly.† All save one were willing to resume at any time, but thought it not wise to do so before those of Pennsylvania, Delaware, and Virginia. If, however, a day was to be fixed, it should not be earlier than the first of August. The House, therefore, was for immediate resumption, and the Senate for resumption on August first.

Excited by this dispute, a great crowd gathered night after night in Monument Square, in Baltimore, and listened to speeches on resumption, and on the obstinacy of the Senate in withstanding the bill from the House. At one meeting a committee of a hundred from each ward was appointed to go to Annapolis and urge the passage of the Resumption bill and to ask the banks to resume at once. After the close of another the crowd made a demonstration in front of the lottery and exchange office, and on another occasion paraded the streets with transparencies and an effigy which it attempted to burn.‡ The banks finally sent word to the legislature that they would be ready to pay specie on the first of August,§ but in the end

* Philadelphia Public Ledger, January 10, 1842.

† Baltimore Republican, January 20, 1842.

‡ National Intelligencer, March 2, 1842; Globe, March 3 and 7, 1842.

§ National Intelligencer, March 3, 1842.

the Senate yielded and the legislature ordered resumption to begin on the first Monday in May.*

By that time the railroad orders passed at a discount of nearly fifty per cent. Unable to do business with such trash for money, the retail dry-goods dealers adopted the Macon Specific, agreed not to receive railroad orders save at current market price, and appointed a committee to publish their specie value twice a week.† Thereupon, the directors of the Baltimore and Ohio Railroad decided that neither railroad orders nor other paper, not current in Baltimore, should be taken by the Baltimore and Ohio, or the Washington branch, for toll, travel, or transportation.‡ The city of Baltimore had received the orders at par in payment of taxes and dues, but now that they had ceased to be current, the city was left without money to pay its debts. A joint committee of councils therefore urged that it follow the example of the people and refuse to accept railroad orders.§ Feeling against the brokers, who, as usual, were blamed for the depreciation of the paper money, now rose so high that the legislature required every dealer in stocks, bills, and notes to pay an annual license fee of seven thousand dollars.‖ The brokers refused to comply, tested the constitutionality of the law, and were beaten.¶ All brokerage business then stopped and it became impossible to negotiate a bill on London, Paris, Bremen, or any foreign city, or to discount a note of any bank out of the State. Hatred of brokers as men responsible for the depreciation of the currency was in no sense local, and in time bills laying heavy taxes on them were introduced in the legislatures of Ohio ** and Pennsylvania,†† and a heavy tax was imposed on them by the city of Charleston, South Carolina. In New Jersey the banks north of Trenton had long been paying specie. Suspension had in general been confined to those in

* Act of March 8, Chapter 302.
† National Intelligencer, February 24, 1842.
‡ Ibid., March 23, 1842.
§ Ibid., March 18, 1842.
‖ Laws of Maryland, Chapter 282, March 8, 1842.
¶ Philadelphia Public Ledger, July 18, 1842.
** Public Ledger, August 17, 1842.
†† Ibid., January 19, 1843.

West Jersey. These were now required by law to resume on or before August fifteenth.* They chose to resume before, and in the course of a fortnight all, save one, were redeeming their notes in coin.†

In Pennsylvania the question of resumption was complicated by connection with another matter of a serious kind. By the Act of May fourth, 1841, an act passed over the veto of the Governor, three million one hundred thousand dollars was ordered to be raised to pay certain specific appropriations. Banks subject to a tax on dividends were authorized to subscribe in proportion to their capital, and pay their subscriptions with a special issue of one-, two-, and five-dollar notes. There were forty-eight banks in the Commonwealth with a combined capital of over twenty-three and a half millions. This loan, however, was not attractive and but a trifle over seventeen hundred thousand dollars was taken by banks whose capital amounted to seven and a half millions. These, thirty-three in number, were called the relief banks, and the others the non-accepting banks. As the latter had not come forward to help the Commonwealth in an hour of need, the Governor held they had no claim to indulgence and might be forced to resume at any time. The relief banks, on the other hand, could not be compelled to pay specie till their relief notes had been taken up by the Commonwealth. He suggested, therefore, the repeal of the Relief Act of 1841, the payment of the loan by an issue of stock to be thrown on the market and sold for what it would bring, and the forced resumption of specie payment by all the banks.‡

The House and Senate, however, fell into a wrangle over the treatment of the relief banks, and while so engaged the Girard Bank, in Philadelphia, failed and closed its doors. To the commercial world the blow was a heavy one, and during a few days business was at a standstill.§ Stoppage of the Girard left the other banks with so little currency that they were forced to refuse to cash checks, and stamped them with the

* Laws of New Jersey, Act of March 5, 1842, pp. 111, 112.

† Globe, March 28, 1842.

‡ Message of the Governor, January 5, 1842.

§ Globe, January 29, 1842.

word "Good." Excitement was great and such crowds gathered about the ruined bank that the mayor thought it prudent to attend and urge the people to be patient. Some failures now followed, and a run began on the Bank of Pennsylvania, in which was deposited eight hundred and fifty thousand dollars of State money to be used to pay the interest which, on the first of February, became due on the State debt.* The Governor, finding that the bank was paying out this money for the redemption of its bills, bade the Attorney-General apply for an injunction, and on the last day of January closed the bank.† When February first came, Pennsylvania was forced to take her place beside Maryland, Indiana, Illinois, and Michigan and default in the payment of interest on her debt. The Court, however, which issued the injunction against the bank permitted the State authorities to seize on its best assets, and about the middle of February interest was paid in current funds at the rate of one hundred and four and a half, which was considered the equivalent of specie.‡

Another month and more now passed away with nothing done by the legislature. Meantime, the people grew restive and a public meeting on the subject was held at Philadelphia. All the newspapers, the resolutions then adopted set forth, except the *Public Ledger,* were opposing the House bill for immediate resumption because a previous legislature had made a contract with the relief banks that they might continue suspension of specie payment for five years, and because enforced resumption would depreciate the relief notes. In the opinion of the meeting, these relief notes were really bills of credit, and the act which authorized them was therefore a flat violation of that provision of the Federal Constitution which forbids a State to issue bills of credit, and was not law. Immediate resumption was demanded.§ About the middle of March the two Houses adjusted their quarrel and passed a bill which required all the banks to resume specie payment at

* The Pennsylvanian, January 31, 1842.
† Ibid., February 1, 1842.
‡ Ibid., February 15, 1842.
§ Ibid., February 18, 1842.

once or forfeit their charters. Relief notes were not affected. No bank need redeem them in specie, but when presented in sums of one hundred dollars it must issue a certificate which the State Treasurer must cash or exchange for stock. Any bank, however, which did not redeem its relief notes in coin could not sue for the recovery of debts. There were thus three ways in which the people might use these notes: they might be converted in sums of one hundred dollars, or more, into State stock; they might be used to pay debts due to the respective banks that issued them; they might be used to pay taxes, tolls, license fees, due the State.

To convert them into State stock would have been foolish, for it was worth but thirty-three dollars on the hundred, while they sold at seventy-five. To use them to pay debts due the bank would have been equally foolish, for bank-notes were much farther below par than the relief notes. They were used, however, to pay the fees and taxes due the State, so that nothing but relief notes came into the Treasury and, little else than relief notes was paid out, and it was this fact which led to the general belief that the August interest on the State debt could not be paid, and which depressed the State stock to almost thirty.

Demands were made that a tax be levied. But the most the members of the legislature would do was, to attempt to raise the notes to par by offering any bank that would redeem them in specie, six per cent interest on the amount so taken up, and by drawing their pay in relief notes at par as an object lesson in patriotism to their fellow-citizens.* That the relief banks would be forced to resume before the relief notes were taken up by the State had not been thought likely. When, therefore, the Governor signed the bill, business stopped, for nobody knew what the banks would do. Some thought they would not resume, but would carry the matter before the Courts, claiming that the law was a violation of contracts and unconstitutional. The bill was signed on a Saturday. Monday, therefore, was resumption day; but when Monday and Tuesday, Wednesday and Thursday passed and the banks showed no signs of resuming, business was at a standstill.

* Public Ledger, April 9, 1842.

On the evening of Thursday nine banks agreed to resume on the following morning, and did so; but none of the others opened their doors. The State relief banks out of Philadelphia and east of the Alleghanies, meantime, met in convention at Lancaster. Sixteen were represented, and decided that the Resumption act could not lawfully apply to them; but agreed to resume specie payment on all liabilities at an early day and to begin at once to pay coin in amounts under five dollars in order to supply the people with change.* At a meeting of the banks of Lancaster County, held some weeks later, it was agreed to resume on the first of September.

A rumor now spread in Philadelphia that the non-accepting banks had refused to receive the notes of the Penn Township Bank, one of the largest of the relief banks. A run on it began at once and it suspended. Panic followed, the run became general on all the relief banks, and in less than a week four of them closed their doors.†

Only eight banks in Philadelphia were able to comply with the law. As the four which failed had furnished a large part of the circulating medium, the city was almost without currency, money was not to be borrowed at any price, and all the funds of many houses and firms were locked up in the broken banks.‡

Gloom, said a correspondent, seems to have settled on the faces of the people. Wherever you go, you hear tales of wealthy families reduced to poverty, of widows who have lost their all, of orphans stripped of the savings of their parents, of merchants forced to move out of town, and of laborers robbed of the hard-earned savings of years. The usual gayeties of society are suspended, and save for the absence of the symbols of mourning, one would think that some pestilence had swept away half the population. And well might the people look gloomy, for the market value of the stocks of sixteen banks had shrunk many millions of dollars. In 1843 the legislature ordered the State Treasurer to destroy one hun-

* Lancaster Intelligencer, March 22, 1842; Public Ledger, March 21, 1842.

† National Intelligencer, March 19 and 21, 1842.

‡ Ibid., March 21, 1842.

dred thousand dollars in relief notes at once and a like amount each month till none remained.

At Lexington, Virginia, a meeting of debtors and creditors petitioned the legislature for relief and asked for a stay law. No exertion of the people, it was said, would enable them to pay their debts, for money was not to be had. All confidence was lost, and therefore an unusual number of suits were pending. The Stay Law of 1814 had been most helpful, and had enabled nine-tenths of the debtors to pay. They were resolved, therefore, to support no man for any office who would not give his aid in behalf of such a measure.* The legislature ordered resumption to begin on the first of November,† North Carolina selected May second,‡ and Indiana, June fifteenth, as the days whereon the State banks and their branches must resume. But when that day came, should the banks of Ohio, Illinois, Kentucky, or Michigan be in a state of suspension, the refusal of an Indiana bank to pay specie to or for a non-specie paying bank was not to be considered a violation of law.§ The only States in which on June fifteenth solvent banks were not paying specie, were Virginia, Tennessee, Alabama, Mississippi, Arkansas, and Louisiana.‖

At the close of the year the Governor informed the Indiana legislature that almost all the revenue of the State consisted of treasury notes paid for taxes, and that the treasury was without means with which to pay the salaries of public officers and members of the legislature. Indiana's share of public-land fund was some twenty-seven thousand dollars. But the Federal Government had withheld nearly fourteen thousand as interest due on bonds in which the United States had invested Chickasaw and Cherokee funds. This left the State about thirteen thousand dollars, which was all the money it had for current expenses during 1843.

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* Presented to the House of Delegates, March 16, 1842. Executive Documents, 1st Session, 29th Congress, vol. viii, pp. 605, 606.

† Laws of Virginia, 1842, Chapter 105, March 25, 1842.

‡ Globe, May 9, 1842.

§ Pennsylvanian, February 16, 1842.

‖ May 25, 1842; Globe, June 17, 1842; Louisville Journal, June 15, 1842; Louisville Advertiser, June 16, 1842.

The banks of Tennessee were required to resume on or before January first, 1843, or within twenty days after those of Kentucky and Louisiana.* Those in Louisiana had resumed some time since, and those of Kentucky on June fifteenth, which thus fixed July fourth as the day for resumption to begin in Tennessee. But the late suspension of seven banks in New Orleans and the bitter popular feeling against those that had not, made the expediency of resumption so doubtful in Tennessee that a bank convention was called to meet at Nashville and consider the question.† It was then agreed to resume on July first, but the date was changed to the first of August.‡

New Hampshire suspended so much of her currency act of 1837 as forbade the issue of bank-notes, required her banks, in return for this concession to their needs, to redeem, or demand, in specie, notes under five dollars face value,§ and enacted an individual liability law to apply to all banks and corporations.

The financial troubles caused by the disorders of the currency were yet further increased by the bankruptcy of some States, and by the fear that others would repudiate, if not all, at least a part, of their bonded indebtedness. Seven States had no debts.‖ The rest fell into four classes: those that paid their interest charges; those that could not because they were too poor; those that could have paid but did not because the people would not submit to taxation; and, finally, one that repudiated. This one was Mississippi. At the State election during the autumn of 1841, the issue of repudiation had been squarely placed before the voters, had been debated from one end of the State to the other, and the anti-bond party had carried the day.¶ That the legislature would repudiate was doubted by the Democratic press everywhere,

* Resolution No. 18, February 5, 1842.

† Public Ledger, June 27 and 30, 1842.

‡ Ibid., July 13 and August 8, 1842.

§ Laws of New Hampshire, Chapter 475, June 25, 1842. For this act of 1837, see History of the People of the United States, vol. vi, p. 218.

‖ New Hampshire, Vermont, Rhode Island, Connecticut, New Jersey, Delaware, North Carolina.

¶ History of the People of the United States, vol. vi, p. 627.

and lest the party should be accused of being tainted with this fraud, journal after journal made haste to repudiate repudiation. No legislature in the country, said one, dare repudiate a State debt. No party can, or should, live an hour after consenting to violate State faith. Will a majority of the freemen of Mississippi, asked another, ever consent to the repudiation of their common debt? If so, the name of Mississippi will become a byword among the nations. We do not believe, said a third, that the newly elected legislature of Mississippi will venture to repudiate her bonds. It is disgrace enough that they were elected in connection with such an issue.

When, however, the newly elected legislature met, it resolved, for the reasons set forth in the report of a select committee, that the State was neither legally nor morally bound to redeem the five millions of bonds sold by the Union Bank to Nicholas Biddle in August, 1838. Therefore it did "most solemnly repudiate said bonds," and did declare "the sale thereof illegal, fraudulent, and unconstitutional." * The Whig press in general denounced and held Mississippi up to scorn for this act, while the Democratic press defended her. A State, it was said, is not bound to pay every debt which a legislature may contract, or go security for, in direct violation of her Constitution and the will of her people. Now the Constitution of Mississippi requires that no law shall ever be enacted to raise a loan on the credit of the State, or to pledge the faith of the State for the payment of such a loan, unless it is passed by a yea and nay vote in each House, referred to the next legislature, published for three months before the next election in at least three newspapers in the State, and then reënacted by the legislature elected after such publication. Was this requirement observed in the passage of the bond act? It was not. No sooner was the act passed than the Governor, without referring it to the people, subscribed for the stock and executed the bonds to the bank six months after the passage of the bill. Is not the legislature right in declaring such a law to be unconstitutional?

* The Report is in the Globe, March 22, 1842, and Executive Documents, 29th Congress, 1st Session, No. 226, pp. 866, 867.

But this is not all. The commissioners were expressly forbidden to sell the bonds under par; yet they sold them for less than par. The law required the bonds to be redeemed in money of the United States; yet the commissioners made them redeemable in English money. Was not all this illegal?

News of the Mississippi election was followed by a sharp decline in the price of the bonds of Illinois and Indiana, for it was believed those two States would surely follow her example. Arkansas came near doing so. Scarcely had that State entered the Union when the legislature, in order to furnish capital for the newly chartered Real Estate Bank, authorized the issue of bonds in denominations of five hundred and a thousand dollars. In September, 1840, five hundred of them having a face value of a thousand dollars each, dated January first, 1840, and due October twenty-six, 1841, were deposited by the Real Estate Bank with the North American Trust and Banking Company of New York, as security for a loan of two hundred and fifty thousand dollars, "which said bonds," so ran the contract, "are to be held as security only." One half the loan was to be paid by the State and one half the bonds returned by the Real Estate Bank on the seventh of July, 1841, and the other half on May seventh, 1842. But when payment of the first half of the loan was tendered and the bonds demanded, the North American Trust Company could not deliver them, for it had put them in the hands of Holford & Company of London, as collateral for three hundred thousand dollars. When, therefore, in November, 1841, the stockholders of the Real Estate Bank met at Little Rock, they resolved that the Board had no authority to hypothecate the bonds for less than par, because the charter expressly provided that they could not be sold for less than par; protested against the payment of interest, and demanded that the holders surrender their bonds before either interest or principal was paid. "For," said the resolution, "we are determined never to pay interest or principal unless they are surrendered." * Governor Yell, thereupon, informed Holford & Company that, as the bonds which had been deposited

* National Intelligencer, December 24, 1841.

with the North American Trust Company as security for the loan could not lawfully be sold for less than par at any time, and could not be sold at all unless the State defaulted in the payment of the loan, the whole transaction was illegal and unconstitutional and the bonds would not be redeemed. "The State," said he, "will keep all engagements when the bonds are sold for value and in accordance with the charter. But the people will not submit to be taxed to pay bonds hypothecated to stock-jobbers." * Arkansas did not repudiate, but year after year defaulted in payment of interest.

Against this new doctrine of the moral right of repudiation a few States protested. The House of Representatives of Louisiana felt it due to the honor of their State to declare that it held her plighted faith sacred and inviolable, and looked on repudiation as unconstitutional, unjust, repugnant to every principle of honor and common justice, and tending to deprave private integrity and to corrupt the morals of the people.†

Tennessee announced that prompt payment of all her obligations created in good faith was a duty that could not be set aside consistently with honor.‡ Kentucky asserted that to keep her obligations in good faith was a sacred duty, not only to her own citizens, but to those of other States.§

In Ohio the House of Representatives resolved that as the belief was prevalent that the States of the Union would at some time in the future repudiate their debts contracted with capitalists in Europe and America, it was necessary to declare that the citizens of Ohio would respect the sanctity of their engagements, both public and private, and would pay interest and principal of all debts fairly and lawfully contracted.‖

Public opinion in Indiana was divided. People in the

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* National Intelligencer, December 24, 1841.

† Ibid., February 23, 1842.

‡ Ibid., January 14, 1842.

§ Ibid., February 14, 1842.

‖ Ibid., December 28, 1841.

southern counties of the State were strongly in favor of repudiation. To the honor of northern Indiana, said a Michigan City newspaper, we have not heard of one man who entertains such a dishonorable thought. Most of our State debt was contracted in good faith, and we who are descendants of the old Pilgrim stock would hang our heads in shame at the idea of having our adopted State disgraced by repudiation.* Mass-meetings of citizens of Washington County and of Shelby County declared for repudiation and sent their resolutions to the legislature, where a joint resolution was introduced providing for the repudiation of bonds whose face value was over three millions, "for which she had received nothing," and which were then afloat.

Her debt, the Committee of Ways and Means told the legislature, on the first of January, 1842, was nearly seventeen millions; the amount bearing interest over thirteen millions; the interest seven hundred and forty-nine thousand, and the deficit to be provided for by taxation six hundred and twelve thousand. But the people were not bound to be taxed to meet such extravagant expenditures. They had been led into them by the deceptive reports of engineers, legislative committees, and executives. To resort to direct taxation was out of the question; it "would place a burden on the citizens equal to those imposed on the serfs of Russia, and place them on equality with the peasants of England and France." The committee therefore proposed that the legislature should wait till the State stock had fallen to ten cents on the dollar and then exchange six hundred and forty thousand dollars of canal bonds for six millions four hundred thousand dollars of stock at ten cents on the dollar, repudiate over three millions, sell the public works for stock to the amount of two millions of dollars, and provide other means for the remainder of the debt amounting to nearly a million and a half of dollars.† Most happily the advice was not taken; but ere the legislature adjourned the canals, railroads, and turnpikes were offered to any association of individuals that would take them at cost, pay for them with State stock at par, and finish their con-

* Michigan City Gazette, National Intelligencer, December 9, 1841.

† Philadelphia Public Ledger, February 19, 1842.

struction. Certain of her bonds, three hundred in number, and in value two hundred and twenty-five pounds sterling each, had been sold to the Rothschilds, but by some oversight were not made payable anywhere. Attention was called to this, and a new set was sent to the Morris Canal and Banking Company, to be transmitted and exchanged. Instead, they were sold in New York. A third set was then prepared and duly exchanged in London for the first set, but the returned bonds, in place of going back to Indiana, were likewise sold in New York. Because of this fraud it was proposed to repudiate them.

The State was now face to face with bankruptcy. Almost the entire revenue gathered in 1842, the Governor told the legislature, consisted of treasury notes. The only funds available for the payment of the members of the legislature, State officials, and current expenses for the next year were twelve thousand nine hundred dollars received from the Federal Treasury as Indiana's share of the sale of public lands.

When Illinois began her system of internal improvements in 1837 it was supposed that interest on her bonds could be met by selling them abroad and deriving some profit from the difference of exchange; by depositing the money in banks and using the interest; and by purchasing bank stock on which handsome dividends would be paid far in excess of the interest on the bonds. This policy was followed till 1839, when the large amount of outstanding bonds weakened her credit, and all sales stopped. By hypothecation of some of them much below par, money was raised to pay interest charges till January, 1841. Bonds were then ordered sold at any price to meet the interest due in July, 1841. But the prices offered were so low that the fund commissioners would not sell, and by further hypothecation met the interest which fell due in July. Rapid depreciation then followed; even hypothecation became impossible, and after July first, 1841, interest on the debt went unpaid.

At the end of 1842 the Governor announced that the debt of Illinois was thirteen million eight hundred thousand dollars, and the annual interest eight hundred and thirty thousand. The assets of the State, unavailable for the time being,

were four hundred and eighty-nine thousand acres of land, and bonds sold, but never paid for, amounting to seven hundred and thirty thousand dollars. He had once fondly hoped that the revenue derived from personal property and taxable bonds would more than pay the cost of Government, and that the surplus, when added to the revenue it was expected would come from the vast quantity of land annually becoming taxable, would go far to meet the interest on the debt. Unhappily the revenue from the increase in the quantity of personal property and of taxable land would hardly suffice to meet the loss produced by the shrinkage in the value of taxable property caused by the pecuniary embarrassment of the county. Thus, the taking up of three million acres during 1842 added twenty-seven thousand dollars to the revenue. But so great was the shrinkage in the value of taxable property that the total assessment for 1842 was but ten thousand dollars greater than in 1841. During 1843 matters would probably grow worse. The tide of emigration and wealth had ceased to flow into the State. Trade was obstructed. Business was almost extinct, and in many places there was not enough money to serve as a medium of exchange. The products of the farm could not be sold for cash at any price and remained in the hands of the farmer, or were bartered for the necessary articles of domestic use. The only hope of relief was by exchanging lands for the bonds.

As for the banks, the Governor urged a repeal of their charters.* From 1831 to 1835 there were no banks in Illinois. The withdrawal of the deposits from the Bank of the United States in 1833, and the transfer of Government revenue to State banks, led the acting Governor of the State, in 1834, to urge the establishment of a State bank in Illinois. In February, 1835, therefore, the President, directors, and company of the State Bank of Illinois, were duly incorporated.† The bank was to be at Springfield, and an office of discount and deposit at Vandalia. On the same day the old Bank of Illinois at Shawneetown, which had been out of business since it failed in 1831, was revived and its charter extended for

* Message of Governor Carlin, December 7, 1842.

† Act of February 12, 1835.

twenty years from the first of January, 1837. By 1842 the State, by authorizing the opening of branches, had increased the number of banks to fifteen, and when, in the course of that year, the State Bank of Illinois and the Bank of Illinois at Shawneetown collapsed, the State owned over three millions of bank stock, and the banks two millions six hundred and sixty-five thousand dollars of State bonds. The failure of the banks turned their notes into almost worthless paper and left the people with scarcely any circulating medium whatever. The farmers were in debt to the merchants, the merchants to the banks, and the banks to every holder of their notes. To make matters worse, taxes were payable in the notes of the broken banks, and the revenue thus gathered was deposited in the State bank. When, therefore, in the spring of 1842 the notes of the State bank were worth but fifty cents on a dollar, the people made haste to pay their taxes with them at par, and the revenue of the State became depreciated bank-bills. As about half the revenue for 1841 had then been paid, no attempt to check this was made till September when the time drew near when the taxes for 1842 would begin to be paid. Then the Governor, Auditor, and Treasurer fell back on a provision of the law of 1836, forbade the receipt of notes of the State bank in payment of taxes to the State, and ordered the collectors to stop the collection of taxes till the legislature met in December. This would prevent the use of depreciated money and keep the revenue out of the vaults of the banks.*

When the legislature met in December, 1842, the Governor sent the Secretary of State to the bar of the House to plead for speedy action. "Want of money," he said, "made it almost impossible to get supplies for the use of the legislature. Wood, worth a dollar and three-quarters a cord in cash, cost the State three dollars and a half in paper. Candles, worth thirty-seven cents a pound, cost one dollar a pound; for the State could pay in nothing but auditor's warrants. With the utmost difficulty could enough money be procured to pay the postage on letters addressed to the Executive Department.†

* Executive Documents, 29th Congress, 1st Session, No. 226, vol. viii, pp. 1041–1047.

† Philadelphia Public Ledger, January 30, 1843.

The legislature directed the Governor, Auditor, and Fund Commissioner to find out on what terms the bank would consent to a dissolution of the partnership between them. As no agreement was reached, the legislature acted promptly and vigorously. By one act the State bank was given four years to wind up its business, was allowed four days in which to surrender two millions and fifty thousand dollars of State bonds, in exchange for a like amount of its own stock, and three days in which to file with the Secretary of State an acceptance of these conditions.* The terms were accepted, bonds and auditor's warrants having a face value of two million dollars were given up and, early in February, the Governor ordered the bonds burned before the State-house door. The Governor, the legislature, and a great crowd assembled, accordingly, on the appointed day. The fire was lighted, the bonds were brought in a wagon and bundle after bundle tossed into the flames. As one huge package was about to be flung into the fire the string broke, and thousands of dollars' worth of coupon bonds were scattered over the crowd by the high wind that was blowing. A scramble ensued and in a few minutes not one of the bonds was to be seen.†

By a second act ‡ the charter of the bank at Shawneetown was repealed, and commissioners appointed to take possession of its banking house, its cash, bank-notes, credits, goods, and chattels. Should resistance be offered, the commissioners were to summon a *posse-comitatus,* and all who opposed it were to become felons and be liable to imprisonment for ten years. If, however, a third act provided, the bank at Shawneetown should deliver to the Governor one million dollars in State liabilities in exchange for a like sum in its own stock, the act to put it into liquidation was to be suspended during four years. The bank made the exchange and in these ways the debt of Illinois was reduced three million and fifty thousand dollars.

A fourth act put an end to what was, without doubt, the most singular of all wild-cat banks.

* Act of January 24, 1843. † Niles's Register, March 4, 1843.
‡ Act of February 25, 1843.

In 1818 the legislature of Illinois undertook to create a great city, to be called Cairo, at the junction of the Ohio and the Mississippi Rivers. Owners of land on which Cairo was to be built were to be incorporated under the name of the President, Directors, and Company of the Bank of Cairo. Each one of the two thousand lots into which the area of the paper city was laid off was valued at one hundred and fifty dollars, and when sold, fifty dollars was credited to the city improvement fund and the rest turned into two shares of stock of the bank. One share went to the owner of the land, the other became the property of the buyer of the lot. When five hundred lots were sold the bank was to be organized and commissioners appointed to carry out the plan of the city. Nothing came of the scheme; but some of the land passed into the possession of the Cairo City and Canal Company, which thereby claimed the right to do a banking business. The charter of the Canal Company expressly forbade it so to do; but this made no difference, and from 1836 to 1839, when it failed, it issued notes and did a general banking business at Kaskaskia under the name of the Cairo Bank. The legislature in 1843 repealed the charter and put the bank into liquidation.* Thus fell the banking system of Illinois, and from 1843 to 1851 no banks of issue existed in the State.

The State Treasury, meanwhile, was almost bankrupt. At the close of the session of 1842, after a sitting of three months, the members of the General Assembly were forced to go home unpaid for their services. The judges and State officers, when paid at all, were forced to take, at par, the notes of the State Bank which passed in the market at sixty per cent discount. So low was the credit of the State that official letters and public documents could not be taken from the post-office until the officials of the State departments became personally responsible for the postage.†

When the new year opened Michigan was a second time forced to default in the payment of interest on her bonds and was likewise driven near to repudiation. As far back as

* Act of March 4, 1843.

† Report of the State Auditor, Executive Documents, 29th Congress, 1st Session, No. 226, vol. viii, p. 1038.

1838 she had contracted with the Morris Canal and Banking Company and the United States Bank of Pennsylvania to sell five million dollars of bonds issued for internal improvements.

Her system as planned called for five hundred and ninety-six miles of railroad, two hundred and thirty miles of canal, and the improvement of five rivers. The scheme was wild. Truly did the Governor say, it was projected at a time "when things were too often viewed through a distorted vision." A time when property had a fictitious value, when revenue was overestimated, and when the minds of men were "inflated by imaginary success in the acquirement of wealth." The spirit of reckless speculation, said he, became the governing policy, and Michigan, with scarce two hundred thousand dwellers on her soil, planned a scheme of internal improvements that would have been a grand undertaking for the oldest and richest State in the Union.

To meet the cost of her railroads, canals, and river improvements Michigan issued bonds to the amount of five million dollars, and delivered them to the Morris Canal and Banking Company and the Bank of the United States to be paid for in instalments. Over nine hundred thousand dollars' worth were sold by the Morris Canal and Banking Company, and over three million eight hundred and fifty thousand dollars' worth were hypothecated in Europe by the United States Bank. In 1840 the Morris Canal and Banking Company failed, owing the State over eight hundred and fifty thousand dollars, and in October, 1841, the United States Bank of Pennsylvania failed, owing Michigan over one million three hundred thousand dollars. Thus stripped of her funds, Michigan, in January, 1842, defaulted in the payment of the interest on her bonds then falling due.

Meantime, in anticipation of instalments of the five million loan, scrip was issued to the amount of two hundred and fifty-three thousand dollars. To give it ready circulation it was made receivable for taxes. When the year ended, as might well be supposed, nothing but scrip had been paid into the Treasury and the State was "absolutely left without means for defraying the expenses of Government." No funds, said the Governor in his annual message, are at command to meet

even the petty expenses of the present session. The amount of scrip outstanding was enough to pay all the taxes and dues for two years to come, and during that time the State would have no income.*

The blow was a heavy one; all hope of finishing her railroads and canals vanished, and the Democratic press called loudly for repudiation. "We must repudiate all the bonds," said the *Democratic Expounder,* "or such, at least, as we have not been paid for, or we must use such means as the State has for their liquidation. Undoubtedly the plighted faith of the State should be kept; but if it cannot be kept she must do the best she can consistently with her first duty—the public weal. All morality does not consist in keeping faith in dollars and cents." †

Will the people sanction this infamy? said a Whig journal. We cannot believe it; yet it is possible. As a tax payer our voice will never be raised in favor of so degrading and dishonorable a doctrine as that of repudiation, and we greatly mistake the sentiments of our political friends if they do not choose taxation rather than disgrace.‡ If the bank held bonds to the amount which the State has not received there would be no injustice in repudiation. But the bonds are in the hands of innocent purchasers, and this being the case, we hold repudiation would be highway robbery. What good will repudiation do? Will it prevent enforced payment of the loan or the interest? No. The State is not above the law, and the holders of her bonds if driven to it may levy on her railroads, her canals, her university and school lands, her public buildings, on anything which is hers.§ The Michigan *State Journal,* a Whig sheet, agreed with the *Advertiser* that repudiation would be "an act of unutterable infamy," that to cheat innocent holders of the bonds because State agents had been dishonest or incompetent would be "an act of unspeakable base-

* Documents accompanying the Journal of the House of Representatives of the State of Michigan at the annual session of 1842, vol. ii, p. 33.

† Democratic Expounder, Detroit Daily Advertiser, November 17, 1841.

‡ Detroit Daily Advertiser, November 17, 1841.

§ Ibid., November 18, 1841.

ness," * that even if there were fraud on the part of the original purchasers, the bonds having passed to *bona-fide* holders," the State was as absolutely bound thereby as if she herself had sold them.† The *Journal of Commerce* likewise denounced repudiation, but feared that political partisans might find their selfish interests aided by teaching the doctrine, and feared this all the more because it had lately been approved by a majority of the voters in Mississippi.‡ On the other hand, the *Democratic Herald* and the *Democratic Expounder* boldly upheld repudiation, and the *Free Press* was accused of "leaning toward it."

Such was the state of the public mind when the legislature met and called for a statement of money actually received, and of damages suffered because of the failure of the bankers. The money paid into the Treasury, it was informed, amounted to over two million three hundred and forty thousand dollars,§ and the sum due and damages sustained to over two million eight hundred and fifty thousand dollars. With these facts before it the legislature decided that bonds bought and paid for in full should be recognized as obligations. But that those not actually bought, but on which some money had been paid, part-paid bonds, as they were called—were obligations to the amount of the payment and no further. These must be surrendered and exchanged for full-paid bonds for the sums actually due on them. The Governor was, therefore, instructed to issue a proclamation calling on the bond holders to surrender for cancellation all those for which the State had received nothing, or, if they pleased, give up all securities and receive others for the two million three hundred and forty thousand dollars actually paid to the State.‖ This, it was said, is not repudiation. It is simply the expression of a determination to pay what is due, and not to pay for what has never been received.¶ In time all but a few were surrendered.

* Michigan State Journal, November 30, 1841.
† Ibid., December 14, 1841.
‡ Ibid., December 7, 1841.
§ $2,342,960.24.
‖ Act of February 15, 1842.
¶ Globe, June 21, 1842.

Late in April the Governor issued the required proclamation * which was promptly denounced by the Whigs and defended by the Democrats. What is this refusal of the State to pay the hypothecated bonds, said the *State Journal,* but the meanest kind of repudiation? It is an act of robbery, an act of infamy defrauding innocent purchasers of their just dues; an act perpetrated by the Locos.† The banks, said the *Democratic Herald,* bought the bonds, paid for a part, hypothecated the greater part to other shavers, failed, and cannot pay another dollar. The money shavers to whom the bonds were hypothecated knew the whole story and are not innocent holders about whom Whiggery whimpers and whines. If, under such circumstances, the Whig leaders would enforce payment of the whole five millions of bonds, they are co-swindlers, worthy of confinement in the Jackson sandstone cells.‡ "The question," said the *Democratic Expounder,* "is simply this: Shall the people of Michigan be taxed to pay money she has never received and never will receive? The rule of righteousness, the rule of justice, the rule of reason, is to pay the bonds for which she has received money, and be governed in her treatment of those for which she has received nothing by a rule just as equitable. If we have received no money, we will give back no money." §

During the next session of the legislature an agent of certain New York bond holders appeared at Detroit to look after their interest. He found the legislature considering two bills which in his opinion were most unjust to his clients. One proposed to use the net proceeds of the railroads to purchase iron with which to finish the construction of the Central road to Marshall, and of the Southern to Hillsdale. The other bill proposed that bonds be issued in payment of interest from the first of July, 1841, to the first of July, 1845.

Against these he protested. He represented certain firms, individuals, and banks. They had purchased, at par, from the Morris Canal and Banking Company bonds to the amount

* The proclamation was issued April 27, 1842.

† Michigan State Journal, June 1, 1842.

‡ Democratic Herald, Michigan State Journal, June 15, 1842.

§ Michigan State Journal, June 22, 1842.

of one million three hundred and sixty-two thousand dollars, all of which were part of the five-million loan. Interest on them had not been paid since July first, 1841, and amounted to one hundred and twenty-two thousand five hundred and eighty dollars. Michigan wished them to take others, payable at some future time, in lieu of overdue interest. By the act authorizing the issue of the bonds the proceeds of the railroads were pledged and set apart to discharge interest and principal. In place of using the net proceeds of the railroads to pay interest, it was proposed to apply them to the completion of the Southern railroad to Hillsdale and the Central to Marshall. But the State had no right to use the income of the railroads for such a purpose unless the bond holders were willing, and against this policy in their name, he strongly protested.*

A joint committee of the Senate and House replied,† that, in the first place, Michigan recognized the validity of every bond for which she had received consideration. There were those who held, and on good and tenable grounds, that the State was not legally bound to pay any portion of the bonds placed with the Morris Canal and Banking Company and the United States Bank. But Michigan took higher ground. Again and again through her executive, through her legislature, through her citizens in conventions assembled, she had solemnly pledged her faith to meet both principal and interest of all bonds in the hands of innocent holders, according to the amount she had received for them.

In the second place, Michigan had not violated and did not intend to violate, any pledge given when the bonds were issued. From the books of the Treasury it appeared that up to July first, 1841, the State had paid out as interest on the bonds for which she had received money more than twice the amount that had come to her as net revenue from her public works. The committee, therefore, believed the State might, without consent of the bond holders, use the net income for

* Charles Butler to Governor Barry, February 1, 1843. Joint Documents, Session of 1843, pp. 426–437.

† Report of the Joint Committee. Joint Documents, Session of 1843, No. 11, pp. 415–425.

ironing the roads to the points mentioned in the bills before the legislature. No further legislation, therefore, seemed necessary other than the adoption of a bill then pending. This bill was passed, and provided that the interest on certain bonds, part of the five-million loan, for which the State had received the par value, should be paid by the issue of other bonds in exchange for coupons falling due between July first, 1841, and July first, 1845.*

Maryland, in order to provide a permanent fund for the payment of the interest on her debt, had levied a tax on property, and as some time must pass before it could be assessed and gathered, bade the loan commissioners borrow five hundred thousand dollars. With much difficulty, they secured from the banks four hundred thousand dollars and used it to pay interest, which fell due in July and October, 1841. To borrow more was found impossible, and on January first, 1842, the State defaulted.† When the legislature met and a motion was made, in the House of Delegates, for leave to bring in a bill to repeal the tax laid to raise money to pay interest on the debt, it was believed to be a first step toward repudiation and was defeated by a vote of more than two to one.‡

Something, however, must be done, and the legislature in desperation offered to sell her holdings in the railroads and canals. The State Treasurer was to advertise till the first of July, 1843, for proposals, the price was to be paid in Maryland State bonds, and the minimum sum was to be nearly eleven and three-quarter millions.§ The bond holders did not respond, and in 1845 the Governor announced that the State debt was twelve millions, and the overdue interest one million four hundred thousand dollars.

In Philadelphia a town meeting of citizens discussed repudiation. The sense of the majority was against such an act;

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* Act No. 73, Laws of Michigan, March 8, 1843.

† Message of the Governor, National Intelligencer, January 1, 1842.

‡ National Intelligencer, January 23, 1842.

§ For her interest in the Chesapeake and Ohio Canal, $5,000,000; in the Baltimore and Ohio Railroad, $4,200,000; in the Susquehanna and Tidewater Canal, $1,000,000; in the Susquehanna Railroad, $1,500,000.

but after the meeting had broken up, the minority met and declared for repudiation. The Constitution of the Commonwealth, it was held, gave no department of Government authority to build works of internal improvement, or contract loans, or pledge the public credit for any purpose. The so-called debt of Pennsylvania had, therefore, been contracted without authority, the faith of the Commonwealth had been unconstitutionally and illegally pledged, and the people were under no moral, legal, or political obligation to bear the burden of taxation, or make any personal sacrifice to keep the faith of the State unbroken. Those present bound themselves to resist, by every constitutional and legislative means, the collection of any tax levied for the purpose of paying the interest or principal of the so-called State debt, and urged the citizens after the first of February to take bank-notes at their specie value, or, in other words, apply the Macon Specific.*

When the memorial from this meeting praying for the repudiation of the State debt was presented to the legislature, it was sent by the House to a committee with instructions to report against so disgraceful a proceeding.† Thus instructed, the committee reported that the State stock was "constitutionally correct," and the citizens legally and morally bound to redeem it; that the credit of the State was unbroken; the property of the citizens lawfully subject to taxation for the full payment of all lawful demands on the Treasury, and that the doctrine of repudiation was obnoxious in all its tendencies, and calculated to destroy the principles on which the Government was founded.‡

The Senate declared that it rejected the doctrine of repudiation as unconstitutional, immoral, and subversive of the fundamental principles of the Republican system of Government, and that it would maintain the credit of the State unsullied.

When these resolutions were passed the funds in bank to the credit of the State were ample to pay the semiannual interest due on the first of February. But the failure of the

* Pennsylvanian, January 5, 1842.

† Journal of the House of Representatives, January 6, 1842.

‡ Ibid., January 10, 1842.

Bank of Pennsylvania forced the Commonwealth to default and greatly impaired her credit. To restore this credit was most important; yet nothing was done till the end of July, when, in the last hours of the session, an appropriation bill was hurried through both houses. By it the Governor was authorized to borrow eight hundred and seventy thousand dollars at six per cent and with it pay the interest due on the first of August. Should he be unable to borrow the money, and he had but four days in which to do so, then the Treasurer was to use certificates of State stock redeemable on August first, 1843. All interest claims under fifteen dollars were to be paid out of any money in the Treasury.

The Governor was further required to sell at public auction all bank, turnpike, bridge, canal, railroad, and navigation company stock owned by the Commonwealth, but no lot was to be disposed of unless it brought such a sum as, at five per cent, would yield an amount equal to the dividend paid on that stock in 1841.* Proposals were also to be asked for the purchase of the internal improvements built and owned by Pennsylvania. In November, accordingly, bank and canal stocks, with a par value of over two million and a market value of four hundred thousand dollars, were offered for sale at Philadelphia. But no bids were made, not a dollar's worth was sold,† nor was the State able to dispose of one share of an immense quantity of bridge, canal, turnpike, and railroad stocks offered at auction a few days later at Harrisburg.

To the long list of defaulting States must be added the repudiating Territory of Florida. She, too, had plunged into wild speculation, had loaned her credit to the Bank of Pensacola, the Union Bank, and the Southern Life Insurance and Trust Company, and now, when each had gone down in failure, refused to keep her pledges. That the Pensacola bank might buy the stock of the Alabama, Florida, and Georgia railroad, it was authorized to issue half a million of bonds

* Act of July 27, 1842.

† Philadelphia Ledger, November 24, 1842. The sale was then postponed till March 24, 1843.

which the Governor was to endorse in the name of the Territory. On January first and July first, 1840, the bank failed to pay interest, whereupon the London agent of the United States Bank, "to save the honor of the Territory," discharged the debt, and promptly called on the Territory to refund thirty thousand dollars. Governor Call denied that Florida was liable till every means possible to collect the money from the stockholders had been tried and failed.

The Southern Life Insurance and Trust Company had been given power to issue certificates of one thousand dollars each with the Territorial guarantee of the interest. When four hundred thousand dollars' worth of such certificates had been issued, the company defaulted in interest and the Territory became liable.

The Union Bank of Florida was to have a capital of three million dollars. To raise this sum the bank was to issue bonds on the faith of the Territory, and the Governor and Secretary were to sign and seal them. To secure the Territory the stockholders were to mortgage to the bank real estate or slaves to the value of three million dollars. But each stockholder might borrow from the bank, for an indefinite time, money equal to two-thirds of the value of the land or slaves he mortgaged, and each one did so.

In 1834 the bank was organized and three hundred and sixty thousand dollars' worth of faith bonds sold. That the Government of the Territory had authority to pledge its faith as security for loans was doubtful—so doubtful, indeed, that the president of the Union Bank consulted counsel and asked three questions of Webster, Binney, Kent, and Peter A. Jay. The first was, Could the Governor and council, under the act organizing the Territory of Florida, charter banks? The second was, Might Congress repeal the act of incorporation of the Union Bank, after the sale of the bonds, and annul the contracts under it? The third was, After Florida became a State could she release herself from obligations entered into while a Territory? To the first each answered Yes. To the second Kent said No; but Binney and Jay answered Yes, and said that all bonds sold would remain an obligation. Webster held that Congress could repeal the charter "and whatever

rights may have accrued under it in the mean time." To the third question all answered No.*

These answers were so satisfactory that, in 1835, bonds to the amount of six hundred and forty thousand dollars were issued, and when the bank went down in the panic of 1837, another two millions were sold to enable it to resume; but it never did resume, and after a struggle of five years ceased to pay interest, and the Territorial Government became liable.

Failure of the bank to resume specie payments in 1839 and 1840, the manifest insolvency of the Bank of Pensacola and the Life Insurance and Trust Company, and the anti-bank mania that swept the country, raised the question of the right of the Territorial legislature to pledge the faith of the people in behalf of corporations. The Judiciary Committee of the legislature denied the right, held that the Legislative Council had neither the power to create banks, nor give guarantees in aid of such institutions, and declared all such pledges of the faith and credit of the people of Florida were null and void.†

Governor Reid took the same view in his annual message, and denied that repudiation was dishonest. The bonds, he said, ought to be repudiated. They were the creatures of partial and unjust legislation. What right had a few men to make the whole people tributary to their schemes of moneyed aggrandizement? In all eastern Florida but a few shares of the stock of the Union Bank were owned, and none of its bills had ever circulated. Why, then, should the people of eastern Florida be liable for the debt of a bank in which they had no interest and from which they had derived no benefit? Who in East Florida had ever seen a bill of the Pensacola Bank? Why, then, should the people of East Florida be bound in half a million to that bank? Notes of the Southern Life Insurance and Trust Company had been of some benefit as a circulating medium. But its favors had been partially bestowed, its affairs mismanaged, and its business conducted for the good of the few to the injury of the many. Was it just

* Executive Documents, 26th Congress, 2d Session, No. 111, pp. 272–278.

† Executive Documents, 111, 26th Congress, 2d Session, vol. iv, p. 269. Report of 1840.

to bind Florida hand and foot to corporations that had done nothing for her while they demanded everything from her? Why should the people and posterity groan under a load of debt for the benefit of such corporations? Good faith required the Territory to get rid of the bonds of these institutions as quickly as possible. They purported to bind the Territory, and when pay-day came the holders would look to the people who would never consent to bear the burden of taxation necessary to pay them. The bonds would never be paid by the Territory, and this the holders should distinctly understand.

The Governor then denounced stop and stay laws as delusive, urged economy, patience by the creditor with the debtor, and a forced return to specie payment on a fixed day.*

To settle the question whether the Territory was or was not bound to pay interest and principal, the Senate proposed that at the next election of Territorial delegate each voter should declare *viva voce* "faith bonds or no faith bonds," that his answer should be written down opposite his name on the poll-book, and that a return of such votes should be made to the Governor, who should proclaim the result.† The vote was heavily in favor of repudiation, and when the legislature met another report was made against redemption of the bonds.

The people, it was said, had denied that the Territorial legislature could bind them or pledge their faith for the benefit of private corporations, denied that the bonds were issued with their consent, or the money derived from the sale of them used for their benefit. A Government not of the people, but set over the people, a mere temporary creature of Congress, "a fugacious institute, three removes below even the legislature of a State," had issued the bonds, and in so doing had attempted to usurp two of the highest attributes of sovereign power. The question of repudiation so-called was forever and finally settled in Florida. The people, by a large majority, had resolved not to wear the manacles sought to be riveted on them, their children, and their children's children.‡

* Message of Governor R. R. Reid, January 11, 1841. Executive Documents, 29th Congress, 1st Session, No. 226, pp. 685–688.

† Ibid., p. 734.

‡ Ibid., p. 756.

By 1843 the Union Bank had defaulted in payment of interest on its bonds, the Bank of Pensacola had gone out of existence, the Southern Life Insurance and Trust Company had made an assignment, many of the negroes mortgaged to the Union Bank had been run off and sold, and the Territory was responsible for three million nine hundred thousand dollars of bonds, not a cent of which has to this day been paid.

Failure of some States to pay their interest charges, carried financial distress into many a family at home and abroad. When it was announced on the Amsterdam exchange that Pennsylvania had defaulted, an outburst of rage and the wildest excitement followed, and the senior partner of Hope & Company was with difficulty protected by his friends from a mob of angry holders of her stock. The poet Wordsworth wrote to Bishop Doane that if Pennsylvania failed to keep her engagements, the savings of a brother's lifetime would be swept away, and that through the perfidy of Mississippi his daughter had lost a sum, small in itself, but very large to her.* Sydney Smith made his complaint public. He had, he said, loaned Pennsylvania a sum of money on which she would not pay interest. Had this refusal been the result of war, of civil discord, of unwise application of means in the first years of self-government, of a poor State struggling with the barrenness of nature, every friend of America would have been content to wait for better times. But the fraud had been committed in a period of profound peace, by the richest State in the Union, after a wise investment of the funds in roads and canals, of which the repudiators were every day reaping the advantages. Loss of property was not the only damage to be sustained. The bad faith of America had given comfort to the enemies of free institutions in the Old World, and strength to the friends of monarchy. A great nation after trampling under foot all earthly tyranny had been guilty of a fraud as enormous as ever disgraced the worst king of the most degraded nation of Europe. Little did the friends of America expect this. They had looked on her as the ark of human happiness; the most splendid picture of justice and wisdom the world had yet seen. Now she was branded by every State in

* National Intelligencer, May 12, 1842.

Europe as a nation with whom no contract could be made because none would be kept, as a republic unstable in the very foundation of social life, wanting in the elements of good faith, and ready to bear any load of infamy, however great, rather than endure any pressure of taxation, however light.*

So widespread was the suffering that holders of American bonds in England addressed Mr. Everett, and urged him to call the attention of his Government to the painful situation in which they were placed. They were not persons of means, but people in the middle rank of life, officers on half pay, superannuated clerks, retired tradesmen living on small means, aged spinsters, widows and orphans, many of whom had invested their all in American securities and were dependent on the returns for their daily bread. In doing so, they had trusted to the untarnished honor of the American people. Could it be possible that this dependence had been placed in vain? Never could they admit the doctrine that a State which had ever pledged its faith was at liberty, on the mere plea of inconvenience, to relieve itself of its engagements by sacrificing its creditors. Never could they admit that innocent holders of the genuine securities of a country could be justly made to suffer for the fraud or the negligence of the officers whom the Government employed to do its business. Such a proceeding was nothing but might trampling on right, public faith reduced to a mockery, and solemn obligations treated as waste paper.

To such complaints the London *Spectator* replied that when the investors parted with their money they were satisfied with the mere promises to pay of the respective Governments to which the money was lent. They acted on their own estimate of the value of such promises, and if this were erroneous they must bear the consequent loss. If the British Government were to be called on to collect debts due its subjects, it should at least be consulted before the debts were incurred. Had it been asked as to the propriety of staking the peace of the world on the good faith of Arkansas, or the Territory of Florida, some of the present claims would probably never have existed.

* London Globe, May 8, 1843.

There was a way open, Nicholas Biddle pointed out, for collection of the debt. Both creditor and debtor, said he, may be interested to know that there are three classes of political persons who may sue Pennsylvania. They are, the United States, any foreign state which has a controversy with Pennsylvania, and any sister State. In each case the needed controversy may easily be made. The United States when buying lands from the Indians invests the purchase money for the Indians, and, under authority of Congress, some four and a half millions of such funds have been invested in State stocks. Three millions and a half pay no interest. The United States, however, must continue to pay the annuities. It is in her power, therefore, at any time to bring suit in the Supreme Court to compel payment of the bonds. In precisely a similar way any one of our States may become the owner of bonds of any other State by purchase, by receiving them in payment of debts, or by accepting them as security from banks, as New York has done, and, as owner, may sue in the Supreme Court. So also may any foreign State take up the bonds owned by its subjects and sue for their benefit. When, then, England complains that Pennsylvania owes her subjects money, the natural question is, Why does she not sue Pennsylvania in the Supreme Court? Instead of doing so she sits down and abuses the whole country, raves and rails at Democracy, and in a very childish manner attributes to Democratic institutions the failure of a few States to pay their debts.

Foreign stockholders were not the only ones who insisted that the Federal Government should come to the relief of the defaulting and repudiating States. At home the cry for Government aid had been raised, numbers of petitions paying for the assumption of the State debts had been sent to Congress, and a champion had been found in William Cost Johnson of Maryland. Estimating the total amount of the debts at two hundred millions of dollars, Johnson proposed that Government stock to that amount should be issued and distributed among all the States and Territories. But the House would not give him leave to introduce his bill.

Such treatment served but to make the demand more general, and during the session of 1843 petitions came in from citi-

zens of New York, New Jersey, Virginia, and Indiana, praying for an issue of two hundred millions of stock. But they were insignificant in number when compared with those which poured into the House from Maryland, Ohio, and especially from Pennsylvania, which sent up near twoscore. At first they were referred to the Committee on Ways and Means, but Johnson secured a reference of later petitions to a special committee. Both made reports; the one against, and the other for, an issue of stock, and having heard them the House tabled the whole subject. In the Senate five resolutions offered by as many Senators met the same fate.

On the first of January, 1845, Pennsylvania, Maryland, Indiana, Illinois, Michigan, Arkansas, Mississippi, and Louisiana were still defaulters on debts amounting to over one hundred and eleven millions. This, however, was the turning point, and good times having returned, the richer States, one by one, resumed payment. By a unanimous vote of the legislature of Pennsylvania interest which fell due on the first of February, 1845, was promptly met. Should there be a deficit in August all sums of fifty dollars or less were to be paid in full and the rest, *pro rata*, in treasury drafts to be redeemed as fast as money was obtained. But the State Treasurer appealed to the county treasurers to provide the funds; the county commissioners took action; the people paid their taxes promptly; the money needed was secured, and Pennsylvania once more became an interest-paying State.

The Governor of Maryland in December, 1844, begged the legislature to provide for the collection of taxes long in arrears in seven counties, suggested new taxes on personal estates inherited to be paid out of the commissions of executors and administrators, and asked for a collateral inheritance tax, a stamp tax on bonds, notes, and inland bills of exchange, a tax on donees and grantees of real estate, and the funding of arrears of interest on the State debt. No date for resumption was fixed, but new taxes were laid and from time to time, prior to 1845, the State met such part of her annual interest as she could and in 1847 fixed January first, 1848, for the regular resumption of interest payment.

Indiana in 1847 divided her debt into two parts. On one half interest was to be met by taxation. On the other half by the proceeds of the Erie and Wabash Canal. The Governor of Illinois, in 1845, drew a dismal picture of the evil effects of suspension. The magnitude of her debt, he said, had been a source of fear to the people. They had lived in dread of oppressive taxation, and many had and others would gladly have left the State. It was notorious that nothing but the utter impossibility of selling real estate prevented a rapid decrease of population. The vote at the last election showed that population had grown but little since 1840, while adjacent territories were filling up rapidly. What had caused this? High taxes? No, it was fear of them. The legislature laid a light tax on property toward the payment of a part of the interest.* Michigan in 1846 reduced her debt by the sale of her Central and Southern Railroads, and on January first, 1848, began again to pay interest.

That the evil times through which the people were passing should leave their mark on the statute-books of many States was no more than should have been expected. Since the founding of the Republic every period of financial distress had been attended by the cries of those whose lands and houses, whose furniture and goods, whose tools and implements were in danger of seizure and sale by the sheriff. Never yet had such cries failed to bring from the legislatures some measure of relief, a Replevin Act, a Stay Law, an Appraisement Law or an act exempting certain kinds of property from sale under execution. And so it was again in 1842.

The almost exclusive use of hard money had destroyed the inflated values of property. The scarcity of hard money forced those who had debts to pay to dispose of their property at ruinous prices to the few who had money with which to buy. A Dayton newspaper reported a constable's sale at which well-cured hay brought a dollar a ton, at which five hundred bushels of corn on the cob were knocked down for three dollars, and eighty acres of wheat for the same sum. An Illinois tax collector reported that in his district, in the southern end

* Niles's Register, January 11, May 15, 1845.

of that State, men were imploring him to let them work out their taxes at twelve and a half cents a day. Such cases were common, not rare. No wonder, then, that State after State made haste to find some way to prevent the sacrifice of the property of the poor and honest debtor.

Pennsylvania stayed the execution on all judgments obtained by such banks as took the benefit of the Act of May, 1841, till they resumed specie payment. Virginia renewed her Stay Law of 1837, and put it in force till January first, 1843, unless her banks resumed specie payment sooner.* In Ohio, if the debtor made the demand, the sheriff or other officer offering the property at auction must summon three householders of the county to determine the money value of each article. None could be sold save for two-thirds of the appraised value. When court day came round in August, the people of the town of Ripley decided that the law should be rigorously executed, marched about the streets with clubs and guns, and threatened to ride on a rail any man who bid for property under two-thirds its value. Some property was put up, but no bids were made.†

Indiana enacted a series of relief measures. By one she revised and put in force, till March 1, 1841, her old Stay Law repealed in 1838.‡ By a second she provided that real property before sale under execution must be appraised by three freeholders of the county, that it must not be sold for less than one-half its cash value, and that, till March first, 1842, household goods, kitchen utensils, and farming implements, when sold under execution, must likewise bring one-half their appraised cash value.§ By a third law the sale of property levied on and advertised for sale before the first of February, 1842, was stayed till some day after that date to be fixed by the proper officer.‖ Even these acts failed to prevent the sacrifice of property, and in January, 1842, the legislature decreed that no property of any sort, real or personal, should be

* Laws of Virginia, 1842, Chapter 95.

† Niles's Register, August 20, 1842.

‡ Laws of 1841, Chapter 42.

§ Ibid., Chapter 49, February 13, 1841.

‖ Laws of Indiana, December 15, 1841, Chapter 62.

sold under execution for less than two-thirds its cash value.* One year later the act was again amended and "fair value" was substituted for the words "two-thirds.†

Illinois required that all property taken in execution should be appraised by a jury of three men, that its value be written on the execution, and that if sold, it must bring two-thirds of the sum so determined.‡

Michigan forbade her sheriff to sell real or personal property under foreclosure, or execution, till appraised by three freemen, nor unless, when offered at auction, it brought two-thirds of its appraised value.§ By a later law she provided that lands, tenements, and real estate were not to be sold by the sheriff unless the personal property of the debtor did not satisfy the debt. In that event, his real estate was to be appraised and so much set off to the creditor as, at two-thirds its appraised value, would meet the execution and charges. The creditor had ten days in which to accept in writing. Should he not do so, then the sheriff was to endorse a discharge on the levy and the creditor pay the costs.‖ In Mississippi, if property taken in execution of a judgment did not bring two-thirds of its valuation, the writ was stayed twelve months.¶

That such laws were unconstitutional was held to admit of no doubt, and when, in time, a case arising under the appraisement law of Illinois came before the Supreme Court of the United States, that body, Judge McLean dissenting, declared the law void.**

Not content with interfering with contracts and stopping the collection of debts, State after State went on and enacted exemption laws or added to the list of articles the sheriff could not seize for debt. To those already exempt from distress for rent, or levy and sale, New York added one hundred and fifty dollars' worth of the necessary household furniture, the work-

* Laws of 1842, January 8.

† Laws of 1843, Chapter 11, February 11, 1843.

‡ Laws of Illinois, February 27, 1841.

§ Laws of Michigan, 1841, No. 27.

‖ Laws of Michigan, 1842, No. 88.

¶ Laws of Mississippi, Valuation and Stay Law, Chapter 5, 1840.

** Bronson vs. Kinzie et al., 1 Howard, pp. 311–332.

ing tools and team of any householder, or person, having a family dependent on him for support.* A little later, when Judge McLean was holding Court in Indianapolis, and a case under the Indiana Appraisement Law came before him, he held the law unconstitutional, not because he believed it to be so, but because the Supreme Court had so decided and that decision, he said, must be obeyed. In Illinois some hot heads gathered in mass-meeting, resolved that the decision ought not to be heeded, called on all officers charged with the administration of the Illinois law to withstand the finding of the Supreme Court or resign, and declared they would resist peaceably or forcibly, as might be necessary.†

Georgia exempted from sale under execution after the first of May, 1842, twenty acres of land and five more for each child under fifteen, a horse or mule, ten hogs, thirty dollars' worth of provisions, and dwellings and improvements not more than two hundred dollars in value.‡ Kentucky increased her list of exempted articles by adding a saddle, bridle, six chairs, a bedstead with bed and bedding, all turkeys, geese, chickens, and ducks raised on the place, one cow and calf, five sheep and six months' wood and fuel.§ Besides the articles named in her Act of 1820, Tennessee now exempted "one other bed and furniture," containing not more than twenty-five pounds of feathers, and one other cow and calf.‖ Michigan made it impossible to strip the lumberman of all his oxen, the farmer of all his cattle, wagons, ploughs, and implements of agriculture, the fisherman of all his skiffs and nets, the mechanic of all his tools, the printer of all his type, and reserved to the housewife her spinning-wheel, cows, and household furniture worth two hundred and fifty dollars. All wearing apparel was exempt and books to the amount of two hundred and fifty dollars.¶ Mississippi reserved one hundred and sixty acres with the house, five hundred pounds of pork and bacon, a long list of household utensils, some cows,

* Laws of New York, Chapter 157, 1842.
† Niles's Register, June 17, 1843, p. 245.
‡ Act of December 11, 1841.
§ Laws of Kentucky, Chapter 421, March 3, 1842.
‖ Laws of Tennessee, 1842, Chapter 46, January 17, 1842.
¶ Laws of Michigan, 1842, No. 48.

and hogs.* Missouri increased her lists † by adding ten head of "choice hogs," ten head of "choice sheep," a cow and calf, and working animals worth sixty-five dollars.

Valuation and exemption laws were most popular, and in every case were enacted to meet an urgent demand of the people. The great Whig Bankruptcy Act, by which thousands of debtors over all the country were to be relieved of millions of debt, on the other hand, was most unpopular. Passed at the special session of Congress in the summer of 1841, lauded by the Whigs as a wise and beneficent measure, hailed by the debtors as the only means of getting out of debt, great good had been expected from the act. Unlike any national bankrupt law hitherto passed by Congress, the new act divided bankrupts into two classes. In the one were "all persons whatever," whether merchants, traders, farmers, or mechanics, whose debts were not caused by defalcation as a public officer, executor, trustee, administrator, or guardian. Any such man might voluntarily declare himself unable to pay his debts and seek the benefits of the act. He then became a voluntary bankrupt. In the other class were merchants, bankers, factors, brokers, underwriters owing not less than two thousand dollars. Any of these, on petition of a creditor to whom at least five hundred dollars were due, might, against his will, be adjudged an involuntary bankrupt if he should flee from the State or Territory in which he lived in order to defraud his creditors, or hide himself to avoid arrest, or remove or conceal his goods to prevent their being taken in execution, or cause himself to be arrested or his goods and chattels seized, or make fraudulent sale, assignment, gift, conveyance, or transfer of goods, chattels, lands, or tenements.

The act was to take effect on the first of February, 1842, but long before that day came the people were clamoring for repeal. "It is," said those who opposed it, "nothing but a law for the general abolition of debt. In no sense is it a bankruptcy act within the meaning of the Constitution, and Congress had no authority to enact it. The true intent and meaning of a bankrupt law, such a law as Congress may put on the statute-book, is, to enable the creditors to save something of

* Laws of Mississippi, 1842, Chapter 23. † Act of February 25, 1843.

the debtor's property, and the consent of at least a great majority of them is necessary to the debtor's discharge. By this new-fangled law the debtor is the plaintiff. The proceedings are against the creditors, and by the mere operation of the law and the decision of the Court the debtor may be discharged. Who ever before heard of such a thing as voluntary bankruptcy? That very provision makes it not a bankrupt, but an insolvent law, which Congress has no authority to enact. It is, moreover, retroactive, applies as well to debts already contracted as to those to be contracted. This impairs the obligations of contracts by releasing debtors without consent of their creditors, and is unconstitutional and void. All State insolvent laws now become dead letters. This is a violation of State rights. It is impracticable and cannot be carried out; immoral and corrupting in its effect; will promote a wild spirit of speculation; is not called for by the needs of the country; will make times harder by throwing on the market hundreds of millions of bankrupt property; has been made perpetual and is a mere sponge for the wiping out of debt."

Congress had scarcely assembled in the winter of 1841 before it was flooded with petitions praying, some that the Bankrupt Act be repealed; some that it be continued; some that it be so amended as to include banks and corporations; and some that it be enforced. The House acted promptly, and about the middle of January sent to the Senate a bill repealing the hated law in the hope that it might never go into effect. But the Senate rejected it and on February first proceedings in bankruptcy began. The struggle then became fiercer than ever, and at the next session of Congress, besides scores of petitions from citizens of the eastern and middle commercial States, memorials came from Maine, New Hampshire, Vermont, Ohio, and Virginia. Then the Senate yielded and the act was repealed.

By that time nearly thirty-four thousand debtors had applied for the benefit of the law. More than twenty-eight thousand had been relieved of nearly four hundred and forty-one million dollars of debt by the surrender of less than forty-four million dollars of property which was divided among over a million and forty-nine thousand creditors.

CHAPTER LXXII.

A STRUGGLE FOR REVENUE.

While the people, the banks, the chief cities, and the States were thus struggling under dull times, shin-plaster currency, enforced resumption, repudiation, loss of credit, and a load of debt, the twenty-seventh Congress met in regular session and learned from the annual message that the Federal Treasury was empty and the Government face to face with a deficit. During 1841 the income of the United States had been over thirty-one millions, the outgo over thirty-two millions, and the deficit over six hundred and twenty-seven thousand dollars and would be fourteen millions, the Secretary said, by the first of January, 1843, unless matters mended. The present deficit was caused by failure to place the twelve-million loan authorized by the last session. The bonds were to mature in three years, but capitalists would not buy short-term securities, and six and a half millions remained unsold.

That the Government must have a larger permanent revenue was quite clear, and as this meant revision of the tariff, and revision meant suspension of the distribution of the money derived from the sale of public lands, Tyler suggested that nothing be done which would suspend distribution, or be a departure from the principle of the Compromise Act of 1833.

The currency and interstate exchange also needed attention. This had been provided for in a plan of finance which the Secretary of the Treasury was ready to submit—a plan designed to regulate the safe-keeping and disbursement of the public money, and give the people a sound paper medium and cheap exchange.

Congress was further informed that on June thirtieth,

1842, the last reduction would be made under the compromise tariff of 1833; that all duties must thereafter be paid in cash, must be twenty per cent ad valorem, and must be levied on values assessed at the port of entry under such regulations as might be prescribed by law. No such regulations had as yet been prescribed, and unless they were it was doubtful whether duties of any sort could be collected on, and after, the first day of July.

The Secretary of the Treasury urged that immediate relief might be afforded the Government by extending the term of the unsold bonds and authorizing the reissue of redeemed Treasury notes to the amount of five million dollars, and that more revenue be provided by levying new duties on imported goods, wares, and merchandise. When called on by the House for his plan of finance * he sent a long report and a draft of a bill to establish an exchequer.†

The system of relief which the President and his Secretary wished was thus composed of six important measures: extension of the term of the bonds; reissue of redeemed Treasury notes; revision of the tariff; establishment of an exchequer; no stoppage of the distribution of the land sales; and such regulations as would banish all doubt as to the lawfulness of collecting duties after the last day of June under the tariff of 1833.

With all these facts before it Congress, the people felt, was bound to act quickly. That our country in time of profound peace should go on rolling up a great debt was declared to be disgraceful. No man, be his politics what they might, could approve so shameful a policy. Nevertheless, dire as was the need of money, week after week went by with no provision made while Congress spent its time in childish wrangling and unseemly behavior. A long dispute as to whether so much of the President's message as related to the tariff should be sent to the Committee on Manufactures, or to the Committee on Ways and Means, plunged the House into a sectional debate on tariff issues, and so delayed reference that January third came before the various subjects touched on in the message

* Journal House of Representatives, 27th Congress, 2d Session, p. 82, December 16, 1841. † Ibid., p. 89.

were referred to the proper committees. January seventh was petition day, and when the State of Kentucky was called, a member presented a petition praying that the Bankruptcy Act of the late session be repealed. A motion to refer it to the Committee on Judiciary with instructions to report a bill made it necessary that the petition lie over under the rule till the morrow, the ever-memorable eighth of January, the twenty-seventh anniversary of the Battle of New Orleans. That the motion would pass was reasonably certain, but the Democrats determined to pass it on to Jackson Day, and with the help of the disgruntled Whigs did so. With it went instructions to present a repealing bill three days later. The committee obeyed and the bill repealing the Bankruptcy Act, which had not yet gone into force, was soon on its way to the Senate, where, in time, it was rejected.

When petition day came around again and Massachusetts was called, Adams presented a memorial from citizens of Georgia who considered it a grievance that he had been placed at the head of the Committee on Foreign Relations. His talents, patriotism, statesmanship, the petitioners freely admitted, but complained that he was possessed of a species of monomania on subjects connected with people as dark as a Mexican, and was, therefore, unfit to be intrusted with our relation with Mexico. Objection was made to its receipt, but Adams claimed the right to be heard in his own defence, and four days were wasted in a profitless and unseemly debate before the House cut short the defence and laid the petition on the table.

The call for petitions which had thus been interrupted was then resumed, and Adams presented one from the citizens of Haverhill praying for a peaceable dissolution of the Union. In a moment the House was in a state of great excitement. One member demanded that the paper be burned in the presence of the House. Another wished it printed and laid before the country. A third asked if it did not come under the twenty-first rule. A fourth hoped it was in order to move a censure. The House, however, took up the question of reception and laid it on the table. A reconsideration was at once moved, and before a vote was taken, Gilmer, of Virginia, as

a question of privilege, submitted a resolution that in presenting the petition Adams had justly incurred the censure of the House. Public business was again laid aside, the Speaker was unable to keep order, and from the twenty-fifth of January to the seventh of February, with scarce an intermission, the House was engaged in a vulgar dispute which angered men and the press of both parties. "Well, what is Congress doing?" became a common form of salutation. "Talking much and doing nothing," became a common form of reply. House of Rips, bear garden, menagerie, lyceum of boxing, were terms of derision often applied to the House by an indignant people. "All gentlemen," said a non-partisan journal, "are beginning to regard the House of Representatives as an assemblage of ruffians. They are right. The whole debate, marked by abuse, impertinence, and insolent interruptions all intended to prevent a hearing, shows the members are not gentlemen." * No foreigner, said a Democratic newspaper, can witness the daily scene in the House of Representatives without surprise; no American without disgust. That an old man so learned, so able, so honored by high office, should become a bore, a nuisance, a firebrand to the nation, is most surprising. That the presiding officer who is unable to enforce the rules and maintain the dignity of the House should continue to hold the chair he has disgraced, is too bad. Such a Speaker should be hooted at, not only by the body over which he presides, but by an indignant people.† The blame for the present condition of things falls on men of both parties, said a Whig newspaper, on the guilty actors in the scenes of disorder which every day disgrace the House, and on those who will not exert themselves to put down the tumult.‡ To see a whole week and more spent, not in discussing questions of State, but in wrangling over a question of privilege which does not concern the people, but turns on the conduct of a fanatical old man, said another journal, is passing strange. The pecuniary interests, the hopes, the fears of every citizen of the Union, it was said, are involved in the proceedings of Congress. No prudent man

* Philadelphia Public Ledger, February 10, 1842.

† Richmond Enquirer.

‡ Alexandria Gazette.

will venture on any investment or engage in any business transaction till he knows whether or not the credit of the Government is to be sustained. No merchant dare send his goods abroad, no maker of iron dare start his furnace till he knows what Congress will do with the tariff. The Government creditor looks at the empty Treasury and, day after day, hopes in vain that the debt due him will be paid. Yet Congress does nothing. At last, on the seventh of February, the House gave up the struggle with Adams, laid its resolution of censure on the table, refused to receive the petition, and finished the call of the House—a call which, for more than a month, had been carried on under a suspension of the rules.

The wrath of the House fell next on Joshua R. Giddings, of Ohio. Late in October, 1841, the brig *Creole*, laden with tobacco and conveying five passengers and one hundred and thirty-eight slaves, had sailed from Hampton Roads for New Orleans. When ten days out the negroes rose, killed the owner of many of them, wounded the captain and first mate, and forced the second mate and the crew to take the brig to Nassau. There nineteen of the negroes were held for murder and the rest set free.*

This new attack on slavery, for so it was believed to be by the enemies of Great Britain, following hard on the cases of the *Comet,* the *Enterprise,* and the *Encomium,* made no little excitement in the South, and was bitterly denounced by the slaveholders. The Senate under the lead of Calhoun called on the President for information.† Webster demanded the delivery of the negroes as persons guilty of mutiny and murder,‡ and the legislature of Mississippi denounced the conduct of Great Britain in a set of resolutions § and called for the return of the negroes "at all hazards."

Aroused by the actions of the friends of slavery in the Senate, Giddings brought before the House resolutions setting forth the sentiments of the abolitionists. The gist of them was, that slavery was a State institution and confined to the

* Senate Document No. 51, 27th Congress, 2d Session, vol. ii.

† Congressional Globe, 27th Congress, 2d Session, pp. 115, 116.

‡ Senate Document No. 13, 27th Congress, 2d Session, vol. iii.

§ House Document No. 215, 27th Congress, 2d Session, vol. iv.

jurisdiction of the power creating it; that when a ship belonging to a citizen of any State left the waters of that State and entered the high seas, all persons on board ceased to be answerable to State laws and became amenable only to the laws of the United States. When, therefore, the brig *Creole* left the waters of Virginia, the laws of Virginia ceased to have jurisdiction over the persons on board, and those held as slaves, in resuming their natural rights, violated no law of the United States, incurred no legal penalty and were not liable to punishment. All attempts to regain possession of them, or to reenslave them, were unauthorized by the Constitution or laws of the United States, and were incompatible with our national honor and harmful to our national character. In the storm of indignation which followed the reading of the resolutions, Giddings withdrew them. But Botts, of Virginia, presented a long preamble and a resolution, that the House held the conduct of the member from Ohio to be deserving of the severe censure of the people and of the House.

The refusal of the House to suspend its rules in order that the resolution might be offered defeated the attempts of Botts. But the call for resolutions still resting with Ohio, John B. Weller, of that State, rose in his place and offered the resolution of Botts as his own. Another unseemly wrangle followed before the House by great majorities adopted both preamble and resolution.* Giddings at once resigned,† went back to Ohio, and was reelected to Congress.

It was now late in March, yet no act of any public importance, save one authorizing the reissue of Treasury notes, had been placed on the statute-book. A select committee had indeed taken up the plan for an exchequer and had presented a bill of its own.‡ The plan as framed by the Secretary called for the creation of a Board of Exchequer, to be composed of the Secretary of the Treasury, the Treasurer of the United States, and three commissioners. The duties of the exchequer were to be threefold: it was to safekeep the public money, furnish a uniform circulating paper medium, and provide

* Congressional Globe, 27th Congress, 2d Session, pp. 342–346.

† Ibid., p. 349.

‡ House Bill 206. Reported February 17, 1842.

cheap exchange between the States. For the accomplishment of the first purpose branches were to be established wherever necessary and by them, and by the exchequer at Washington the public money was to be received, kept, paid out, and transmitted from place to place.

Toward the accomplishment of the second object, notes in denominations of from five to one thousand dollars were to be issued, were to be receivable everywhere for Government dues, were to be redeemable in gold and silver on demand, and were never to exceed fifteen million dollars outstanding at any time. Individuals might deposit gold and silver and receive therefor certificates of deposit drawn in such sums as suited their convenience.

Exchange was to be provided in two ways: by bills or drafts drawn by the board on any agency, or by any agency on the board or other agency, and sold at a premium not greater than the fair cost of sending specie to the place of payment; and by the purchase and sale of domestic drafts; but such purchase and sale were not to be carried on within any State which should forbid them.

Mild as was the plan of the Secretary, it was too comprehensive for the select committee which cut down the exchequer board to three, limited the agencies to ten, required one of them to be in each of the cities of Boston, New York, Philadelphia, Charleston, and New Orleans, and for notes substituted three sorts of certificates of deposit. One kind, never to exceed in amount ten millions of dollars, was to be issued on private deposits of gold and silver; another, likewise limited to ten millions of dollars, was to be given to public creditors in payment of debts due them; and the third was to be issued by the mints at Philadelphia, New Orleans, Dahlonega in Georgia, and Charlotte in South Carolina, on deposits of gold, silver, or bullion.

The Whigs would not give the bill a decent consideration. They were determined that, as Tyler would not suffer them to have a bank, he should not have an exchequer, and every attempt of the chairman of the committee to bring up his bill for consideration ended in failure.

While Congress thus frittered away its time, the state of

the Treasury went from bad to worse. So bad was it on the first of March that the Secretary addressed a note to Tyler on the subject, told him that on the first of June there would be a deficit of over three and a quarter millions, and suggested that the amount of the twelve-million loan be increased by five millions.* Tyler sent the note to the House with a message asking for "prompt and speedy action," † and when a fortnight passed with nothing done, sent another message again inviting "most serious attention to the condition of the finances," and urging an increase of duties on imports and a repeal of the Distribution Act.‡

By this time the people, tired of waiting for some legislation on the issues of the hour, were calling loudly on Congress to act. A meeting of merchants at the Exchange in Wall Street, New York, after reviewing the depressed state of public credit, the alarming condition of our foreign relations, the bankruptcy of the Treasury and the factiousness of the House of Representatives, demanded the passage of a "bill to regulate the currency and of another to raise the needed revenue." § At an indignation meeting in the Philadelphia Exchange a speaker exclaimed, "What a spectacle does the lower House of Congress at this moment present! Nothing but a series of personal encounters, one continuous scene of partisan strife, and individual contention. Congress has become a bear garden, while Government credit is at a discount, Treasury notes protested, and a loan bill suffered to sleep from day to day." ‖ Thus spurred on, the House, on the last day of March passed the bill extending the term of the loan to twenty years, and increasing the amount by five millions; but the middle of April came before it had passed the Senate and was signed by the President.¶

The reissue of Treasury notes, the extension of the term

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* Niles's Register, March 12, 1842, p. 31.

† Richardson. Messages and Papers of the President, vol. iv, p. 102. Message of March 8.

‡ Ibid., pp. 106–111. Message of March 25, 1842.

§ Public Ledger, March 24, 1842.

‖ Ibid., March 30, 1842.

¶ Act of April 15, 1842.

of the loan, and the increase in the amount were but makeshifts designed to relieve the pressing needs of the Treasury and nothing more. The duty of adopting such a financial policy as should put an end to loans and Treasury notes, should extricate the country from a growing debt in time of peace, restore the credit, enable it to meet current expenses and have a few millions of surplus at the end of each year, still remained to be performed by Congress. What this policy should be was easy to determine. The people, it was well known, would not submit to a direct tax, nor, in time of peace, to an excise, or system of internal revenue. Nothing remained, therefore, but a revision of the compromise tariff of 1833, and on such a revision both the Committee of Ways and Means and the Committee on Manufactures, accordingly, went seriously to work. The one was bent on framing a bill to raise revenue, the other a bill to protect manufactures.

The Committee on Manufactures was the first to be heard from, and on the last day of March presented two reports and a bill. That from the majority dwelt on the dire needs of the Treasury, on the low state of public credit, on the imperative necessity of immediate increase in the revenue, and declared that such increase should be obtained by raising the rates of the Compromise Act of 1833. The deficit, however, was not the only matter to be considered. The arrangement of duties in such manner that they should not only produce revenue, but should protect the infant manufactures of the country, the committee believed was a long-established policy which had produced results far beyond any looked for by its most ardent friends. The progress of the country in wealth and power had indeed been marvellous, but the most wonderful part of that progress was the growth of manufactures under protection.

The committee, therefore, had framed a bill which provided for a general ad valorem duty of thirty per cent, where the duty was on that principle, and for specific duties for the security of such interests as could not be preserved without them. All specific duties were to be those levied on the articles so protected in 1840.

The minority denounced high protection as injurious to

the people; cited Great Britain, to show how, in that country, it had given enormous fortunes to the landowners, and kept the laborer in dire poverty and want; and declared protection would exclude foreign goods to such an extent as to cut down revenue and increase the cost of living. The bill was attacked, because the tariff of 1833 was a compact, was binding in honor and ought to be as sacredly observed as was the compromise of 1820; because most of the proposed duties were specific and rested on the minimum principle; because no provision was made for a warehouse system; because duties were to be paid at the time of entry in cash; because a tax was levied on auction sales of imported goods; and because, after June thirtieth, 1843, an additional duty of ten per cent ad valorem was to be imposed on certain articles.

The report was followed a few weeks later * by one from the Secretary of the Treasury on the subject of a revised tariff of duties. His views had been called for by the House † and were now referred to the Committee on Ways and Means, from which, after a delay of three weeks, came a bill known by the number 472. It was then the third of June and, unless some action was taken before the first of July, the compromise tariff of 1833 would go into force and three evils would arise under it. The Treasury would be bankrupt, the ports would be flooded with goods, wares, and merchandise of foreign make, and home industries would be prostrate.

Nay, more, the act of 1833 required that ad-valorem duties should be assessed on the value of imports at the port of entry according to such regulations as should be provided for by law. No such regulations had been provided, and unless they were it was a question whether any duties could be lawfully collected after the last day of June. An act providing regulations might easily be passed before July first, but to frame a new tariff act in so short a time was inexpedient even if it were possible. The committee, therefore, reported the "Little Tariff Bill" to extend, till August first, all tariff laws in force on the first day of June.

As the bill then stood it would, by raising the rates on July first above the twenty per cent ad valorem imposed by

* May 9, 1842. † March 29, 1842.

the act of 1833, have prevented the distribution of the sales of public lands which was to be made to the States on that day. Fillmore, therefore, quickly recalled his bill, and when it was reported back a proviso had been added, that the distribution of the land sales should not be suspended, the provision of the act of September, 1841, to the contrary notwithstanding.

On the following day, the eighth of June, the House being in Committee of the Whole, Mr. Saltonstall attempted to have his bill, that reported by the Committee on Manufacture, taken up for consideration; but the House refused, and after a long struggle passed the "Little Tariff Bill," * with the proviso that if by August first there had been no further legislation on the subject, the laws should remain as they were.

The Senate, however, struck out the proviso and put in one which suspended distribution of the sales of public lands till the first of August. To this the House agreed.

Tyler did not agree, and sent back the "Little Tariff Bill" with his veto.† He objected because it suspended for one month the provisions of the Compromise Act of 1833, which forbade a distribution of the sale of public lands when the duties were raised above twenty per cent ad valorem. Two days later the horizontal tariff of twenty per cent prescribed by the Compromise Act went into force, and during two months duties were levied and collected in accordance therewith, for Attorney-General Lagaré had assured Tyler that the act was binding "and susceptible of complete execution under the existing state of the law.‡ The merchants, however, denied the legality of such proceedings, and held that, as no "regulations" had been prescribed by law for the collection of duties as required by the act of 1833, none could be collected. Indeed, a suit was begun against the collector at Baltimore by an importing firm for the recovery of duties levied on its goods, and was carried to the Supreme Court of the United States where decision was rendered in favor of the Government.§

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* June 15. † June 29.

‡ Opinions of the Attorney-General, vol. iv, pp. 60–63.

§ Aldridge vs. Williams. Howard's Report, vol. iii, pp. 1–32.

On the same day, July first, on which the horizontal tariff became law, the provisions of the act for the distribution of the sales of public lands went into force and in time six hundred and ninety-one thousand * dollars were divided among the States, the Territories, and the District of Columbia.

When the members had spent some five days in angry denunciation of Tyler, the vote was taken on the passage of the bill over the veto. The ayes were one hundred and fourteen, and the nays ninety-one; so the veto was not overridden.

While the Little Tariff was under debate in the Senate, the House once more took up Bill 472 and passed it with the provision that the proceeds of land sales should be distributed notwithstanding the increase of tariff rates above twenty per cent ad valorem. August fifth it passed the Senate, and on the ninth came back to the House with the President's veto.

He complained, in the first place, that the bill united two objects "wholly incongruous in their character." It was both a revenue and an appropriation bill, and put him under the necessity of either approving a measure he had recently disapproved, or rejecting what he might otherwise have accepted. This was a restraint to which no Executive ought to be subjected, and if suffered to become a custom would surely destroy all wise and conscientious legislation. He complained, in the second place, that at a time when the Treasury was so low that the Government was forced not only to increase taxation, but to borrow money to meet its pressing needs, the bill proposed to give away a fruitful source of revenue. The joy of the Democrats was unbounded. The Whigs were more angry than ever, and even threatened to make no further effort to supply the deficiency in the revenue. Precedent and, as some held, the language of the Constitution, required that the vetoed bill should be promptly reconsidered, and the reasons of the President spread on the journal. The bill, however, was laid on the table, and on the motion of John Quincy Adams the reasons for the veto were referred to a select committee of thirteen.†

* $691,117.05.

† Congressional Globe, 27th Congress, 2d Session.

The report * was a savage attack on the President. The message was described as the last of a series of executive measures which had defeated and nullified the action of Congress on matters most important to the nation. The history of Tyler's four vetoes was told at length. The reason for the last one was bitterly reviewed, and the opinion was expressed that he ought to be impeached, and the veto power still further limited by an amendment to the Constitution. An amendment providing that a bill when vetoed might be passed over the veto by a "majority of the whole number" was accordingly reported.

The report having been made, Mr. Gilmer, a member of the select committee, obtained the floor and read a protest.† When a bill is vetoed, the House to which it is returned is bound, he said, to "reconsider it." In the present case the House has not done so. It has separated the bill from the President's objections, has laid the bill on the table and sent his objections to a committee. The House cannot do this; it must, as the Constitution prescribes, enter the objections on the journal, and vote on the repassage of the bill. True, each House may determine its own rules; but in this case the Constitution has laid down the rule of procedure, and the committee can report no measure that will obstruct the consideration of the bill. It cannot report an original bill, nor any amendment to that on the table. It may recommend impeachment; but if that recommendation takes the form of a resolution then the question before the House becomes the adoption of the report and not of the resolution. Under the specious pretext of defending Congress from an attack on its constitutional right we are asked to strip another branch of Government of powers which the Constitution has bestowed on it. Gilmer then defended the President in the use of his veto, and charged the majority with repeated attempts to coerce him by putting the Treasury under duress.

A second minority report came from Ingersoll and Roosevelt.‡ They, too, upheld the vetoes, lamented the novel and unconstitutional innovation to which the President had

* Congressional Globe, 27th Congress, 2d Session, pp. 894–896.
† Ibid., pp. 896–899. ‡ Ibid., pp. 899–901.

been subjected, declared he was right in insisting that the public lands should not be withdrawn from the assets of the Government, and described the proceeding as without example, without warrant, and of evil tendency. The report of the majority, it was said, proposed nothing but that the Constitution be assaulted, the President impeached without trial and the country dishonored because he had exercised an unquestionable and much-cherished power, dear to a noble people. But they did not despair.

The report of the committee on the vetoes was adopted, but the attempts to pass the bill over the veto, and to pass the proposed amendment to the Constitution, each failed, for want of a two-thirds majority.

During a few days the House stubbornly refused to take any further action on the tariff. But late in August, while Bill 547 to provide the necessary rules and regulations for the collection of revenue under the Compromise tariff was under consideration, all after the enacting clause was stricken out and Bill 472 with two amendments was inserted. One amendment cut out provision for the distribution of the sales of public lands. The other put tea and coffee on the free list. The amendments were then agreed to, and when the vote was taken on the question, Shall this bill be engrossed and read a third time? it was a tie. The Speaker then voted nay, and the bill was rejected. Reconsideration was at once moved and the bill passed and sent to the Senate. It provided that the duties should be the same as were levied on the first day of January, 1840, under the Compromise act of 1833; and that on all articles subject to a duty of twenty per cent ad valorem under the act of September, 1841, the duty should be thirty per cent ad valorem save on railroad iron. In the Senate the fate of the tariff rested with the Democrats; but after a few amendments were added the bill passed by twenty-four yeas to twenty-three nays. Four Democrats—Buchanan, Wright, Williams, of Maine, and Sturgeon—voted with the yeas. To Wright especially the vote caused bitter pain; for when his name was called by the clerk twenty-three Senators had answered yea and twenty-two nay. He well knew that Young, the only Senator who was to vote after him, would answer

nay, and that on him, therefore, rested the grave responsibility of deciding the fate of the bill. With a manliness he often showed in the course of a long political career Wright now rose above all partisanship, gave his vote for the bill, and took the responsibility. He was moved to do this, he said, because, after mature and deliberate consideration, he believed it would put an end to distribution of the land sales; because, if the bill did not pass, there would be no revenue bill enacted at that session, and because he was sure that it was better to pass the bill, bad and loaded with defects as it was, than not to pass a revenue bill at all.

If, said Buchanan, you adjourn with no bill passed, what will be the condition of the country? You will, in the first place, continue and perhaps perpetuate the distribution of the proceeds of public lands. You will, in the second place, leave the country without revenue; for it is the opinion of the best lawyers, and of a majority of both houses of Congress, that there is no law now in existence under which revenue may lawfully be collected. In the third place, you will deprive the country of the means of meeting your own appropriations, will leave behind you a bankrupt Treasury, will go home to meet a ruined people, will deprive hundreds of thousands of mechanics and artisans of a livelihood, and will bring them into competition with the pauper labor of Europe. Of the two alternatives, the bill on the one hand, and the distressed and hopeless condition of the people, and the yet more miserable, distressed and hopeless condition of the public credit, on the other, he chose the bill.

The House accepted the amendments of the Senate and on August thirtieth the President signed the bill. By raising the duties above twenty per cent the new tariff act put an end to the distribution of the proceeds of the public lands. But the Whigs, as a defiance to Tyler, hurried through both Houses a bill repealing the anti-distribution clause of the act of 1841, only to see it perish on the President's desk by the pocket veto.

On the day after the first passage of the tariff bill Tyler enraged the Whigs still more by sending to the House a protest against the report of its committee on the veto and the

"ditto veto." He complained that the committee, instead of confining itself to his objections to the bill, had "assailed his whole official conduct without the shadow of a pretext for such assault and, stopping short of impeachment," had charged him with offences deserving impeachment. By adopting the report the House had made itself the accuser before the country and before the world, and, without evidence to support the charges, without deliberate examination, almost without discussion, had condemned him unheard. Against this whole proceeding he protested in the name of the Constitution, in the name of the people, in the name of all regulated liberty and all limited government as *ex parte* and extra-judicial, as subversive of the right of every citizen to a fair and impartial trial, as destructive of all comity of intercourse between departments of the Government, as ruinous to the checks and balances of the Constitution, and as placing in the hands of a bare majority of Congress uncontrolled and despotic power. He asked that his protest be spread on the journal as a solemn declaration, for all time to come, against the injustice and unconstitutionality of such a proceeding.*

The House refused to enter the document on the journal, and a few hours thereafter Congress adjourned. So ended the longest session which, up to that time, had ever been held under the Constitution—a session of two hundred and sixty-nine days. Not only was it the longest, but, badly as it opened, it proved to be the busiest. Never at any previous session had so many reports been made, so many bills reported, so many passed, and so much important business transacted.†

Chief in importance was the tariff act. No sooner was it law than its effect began to be felt in the commercial and manufacturing sections. Confidence returned, business revived; scores of mills and factories long suspended were reopened, and thousands of idle hands went hard to work. In the iron regions hundreds of tons of ore that had long lain useless on the banks of the canals now found a market. Since the passage of the tariff bill, said the Boston *Mail*, business in this

* Richardson. Messages and Papers of the President, vol. iv, pp. 190–193.

† Niles's Register, September 10, 1842, p. 18.

city has taken a new start. We are informed, said the New York *American,* that the Matteawan factories are in operation, that the Haverstraw factory employing two hundred hands is about to be opened, and that twenty thousand persons who, a month ago, were idle, are again at work. A better state of feeling is becoming general, said the New York *Commercial,* and most business men begin to feel we have seen the worst. The tariff is already felt, said the New York *Express,* and more than forty mills in New Jersey that have long been closed are speedily to be opened. Since the passage of the tariff law, said the Baltimore *American,* a better state of things has succeeded depression in almost every department of business. As we predicted, said the Baltimore *Sun,* public confidence is in a state of revival in the business world because of the passage of the tariff law.*

Far different was the feeling in the South. The Richmond *Enquirer* called loudly for repeal, and declared that the next Congress would wipe the iniquitous provisions of the act from the statute-book. The *Carolinian,* of Columbia, South Carolina, denounced it as the most fraudulent, perfidious, oppressive, unjust, unconstitutional law ever passed by Congress. If not repealed, it must be nullified.† The Committee on Federal Relations in a long report to the South Carolina legislature, in December, declared that the Compromise act of 1833 was understood to be the abandonment by Congress of the policy of protection. South Carolina, however, would submit to the new tariff while hope remained that a returning sense of justice would cause the repeal. If disappointed, she must take such measures to redress her wrongs as might seem proper.

Another act of the twenty-seventh Congress which led to another quarrel with the President, an act vigorously denounced by many States and openly defied by some, was that for the apportionment of representation under the census of 1840. As reported by the select committee in January, 1842, the bill provided that after March third, 1843, the House of Representatives should be composed of two hundred and twen-

* Niles's Register, September 10, 1842, p. 17, September 17, p. 48, and September 24, p. 51.

† Ibid., September 24, 1842, p. 51.

ty-three members, and that the ratio should be one Representative for each sixty-eight thousand persons, computed according to the rule laid down in the Constitution.

Prompt action was greatly desired and member after member urged early consideration of the matter. Many of the State legislatures, it was said, were then in session anxiously waiting for Congress to act that they might carry out the provisions of the new law. Congressional elections were to be held during the summer and autumn, and unless the bill was disposed of quickly, extra sessions of the legislatures would be necessary, and great expense and inconvenience would be inflicted on the people. These appeals, however, went unheeded, and it was late in April before the House took up the bill in earnest, and changed the ratio to one Representative for every fifty-thousand one hundred and seventy-nine persons.

The Committee on Elections then reported an amendment making it obligatory on the States to adopt the district system in the election of members of Congress. Each State, so ran the amendment, "shall be divided by its legislature" into as many districts composed of contiguous territory as it may have Representatives, and no district may elect more than one. The words "shall be divided by its legislature" gave such offence to the State rights members, that a second amendment was moved, accepted as a modification of the first and added to it. This provided that when any State was to have more than one Representative the delegation should be elected by districts composed of contiguous territory; that the districts should be as many as there were Representatives; and that none should elect more than one Representative.

A long debate on State rights and the Constitution followed. Congress, it was held, had no power to direct the States to lay out Congressional districts. Whatever power it could rightfully exercise must be exercised by itself. It might establish districts in the States; it might alter State laws establishing districts, but it could not direct, could not command the States to form them. An attempt to force the States to do certain things would bring the Federal and State Governments into conflict. The States were not slaves and would revolt against any assumption of unauthorized power over

them. Nevertheless the amendment was adopted. The Senate after a long debate changed the ratio to one Representative for seventy thousand six hundred and eighty, and gave an additional Representative to any State whose unrepresented fraction exceeded a moiety of the ratio number. In this the House refused to concur. The Senate then refused to recede from its amendment. The House thereupon voted not to recede from its refusal to concur; but finally yielded and passed the bill as amended by the Senate.

Tyler after some consideration approved it and informed the House that he had sent the act to the office of the Secretary of State with a statement of his reasons for signing. A veto could not have made the House more angry. Here was another violation of the Constitution, another usurpation of power, another encroachment on the rights of the legislature, and another committee with John Quincy Adams at its head was appointed to consider the message and send for persons and papers. But the committee chose to have the House call for the papers in question and secured the passage of a resolution directing the Secretary of State to bring, or send, to the House an authenticated copy. When received, it appeared that Tyler disapproved the bill, but signed it because he did not think a doubtful opinion of the Chief Magistrate should outweigh a solemnly pronounced opinion of Congress. He doubted the power of Congress to command the States to adopt the district system, and he doubted the lawfulness of giving Representation to fractions.

The report found fault with the President because, after writing "approved" on the bill, he had filed with the law a private note declaring that the bill was not approved and that he doubted both its constitutionality and its policy. By the Constitution the President is limited, said the committee, to a choice of either one of three modes of procedure in the enactment of laws. He may veto the bill, sign the bill, or allow it to become a law without his signature. In no case may he assign reasons for his action save in case of a veto, and his reasons must then be sent together with the bill to the House in which it originated. Fault was found with Tyler because he sent the bill to the office of the Secretary, whereas the act of

1789 required that the law should "be received by the said Secretary from the President," and because he had objected to the mandatory character of the act and had doubted its legality. The committee pointed out that every apportionment act was mandatory; that it either reduced or increased the number of Representatives of most of the States; that these changes not only annulled the regulations provided by the laws of such States for holding Congressional elections, but required them to enact new regulations to conform with the new apportionments. Tyler was charged with encouraging certain States to defy the law and seek to force on the next Congress a representation chosen by general ticket, and a resolution was reported setting forth that in causing to be filed with the law an exposition of his reasons for signing the bill, the President was guilty of an act unwarranted by the Constitution and laws of the United States, injurious to the public interest and of evil example, and that the House solemnly protested against it ever being repeated or cited as a precedent. The report was adopted, but not the resolution.

The Mandamus act, as the people called it, was nevertheless the law of the land. Whether the States would obey remained to be seen. Some refused outright. Others complied after bitterly denouncing the law. The Governor of Maine believed the district system was truly democratic, but denied that Congress had power to direct and prescribe the action of the State legislatures, and asked that the legislature of Maine make this "unconstitutional mandate of Congress the subject of remonstrance or protest." *

The Governor of New Hampshire hoped the legislature would not obey the law, which he declared to be unconstitutional. His wish was gratified and her Representatives in the twenty-eighth Congress were chosen by general ticket.

Massachusetts obeyed, but the General Court gerrymandered the State so shamefully that the minority entered a vigorous protest.† The Governor of Connecticut, where the general ticket was in use, called a special session of the legislature and advised that four districts be laid out; but suggested

* Resolves of Maine, 1843, p. 241.

† Niles's Register, October 15, 1842, pp. 100, 101.

resolutions condemning the district system and urging a speedy repeal of that requirement.* The legislature denied the right of Congress to dictate to the States how their Representatives should be chosen, and declared the Apportionment act to be a palpable and dangerous violation of the rights of the legislatures and of the people of the States.† The law, however, was obeyed and the districts were marked out. In New York, John A. Dix, then a member of the legislature, laid before it a resolution denouncing the interference of Congress as unjustifiable, uncalled for by any public need, and a violation of the spirit of the provisions of the Constitution under which the right to interfere was asserted. The act was the fruit of an arbitrary and dangerous use of power by Congress, was an indication of an alarming disposition on the part of the Federal Government to encroach on the rights of the States, and a repetition of the evil ought to be prevented by an amendment to the Constitution.

There the law was obeyed, but nothing save the refusal of the Senate to pass the House bill prevented a gerrymander as shameless as that of Massachusetts. Near the end of the session of 1842 the legislature of Pennsylvania marked out districts as required by Congress. But Governor Porter neither signed nor vetoed but held it till after the legislature had adjourned, and then forbade the sheriffs of the counties to hold elections under it. When the legislature, during the session of 1843, sent him another bill, he promptly returned it with his veto. The legislature had been far too generous to the Whigs, and he would do nothing to aid that party. He had "battled too long in the ranks of the Democracy to see its standards struck down without lifting his arm to avert it." Were he to do so, he should feel that he had betrayed the trust imposed in him by the Democracy of Pennsylvania and was no more worthy of respect and confidence.‡ A third bill, more to his liking, was thereupon sent him and was signed.

The Governor of Georgia, whose Representatives in Con-

* Globe, October 29, 1842.

† Congressional Globe, 27th Congress, 3d Session, p. 104.

‡ Journal of House of Representatives of Pennsylvania, February 21, 1843, pp. 475, 476.

gress were still elected on a general ticket, refused to call the legislature in extra session to district the State. Congress, he said, had no authority to require the States to adopt the district system.*

In Ohio the legislature met in special session in July and the Senate, by one vote, passed a bill which gerrymandered the State in a most bold-faced way. The House rejected it, and while another just as bad was under consideration the Whig members of both Houses suddenly resigned and left each without a quorum, which, in Ohio, was two-thirds.†

At the regular sessions in December it was resolved that Congress had no authority to fix the time, place, or manner of holding elections; that the section of the Apportionment act requiring the adoption of the district system was unconstitutional, arbitrary, and of "no binding effect upon the States"; that if the General Assembly should district Ohio it would not be because of assent to the act against which she protested as an encroachment on the independence of the States.‡ The districts, however, were marked out.

The Governor of Alabama recommended that the State be districted, not because Congress had so ordered, but because the people preferred that system. The Governor of Missouri looked on the act as a command to the legislature of each State, a command Congress had no authority to give, which there was no obligation to obey, and against which it was due to the sovereignty of the State and the inviolability of the Constitution to protest.§ The legislature did not obey. Neither did that of Mississippi.

Michigan provided for the election of her Representatives by general ticket, and not knowing how many would be assigned, she bade the Governor proclaim the number after the Apportionment act was passed. But the Governor regarded the law as an "arbitrary exercise" of power, a law which, if not unconstitutional, was at least "doubtful in character,"

* Globe, June 10, 1842.

† The address of the Whigs is printed in full in Niles's Register, August 27, 1842, pp. 403–407.

‡ Resolutions of December 26, 1842.

§ Globe, December 7, 1842.

and issued no proclamation. Whether she should obey or disobey the Mandamus act at once became a subject of public debate. The Democrats insisted that the law be disregarded, and a general ticket put in the field and hoped that the people would treat the law "as a nullity and trample it under their feet." *

The *Constitutional Democrat* printed the State law requiring election by general ticket at the head of its editorial column and declared it would keep it there till "its provisions are executed according to the strict letter and spirit" or the law repealed.† The Democratic *Expounder* held a like opinion. Milder Democrats urged delay, the Whigs upheld the law, the Governor issued no proclamation and no election for Congressmen was held in the autumn of 1842. When the legislature met, Governor Barry denounced the mandamus, but recommended that the district system be adopted, not because of the order from Congress but because the system was truly Democratic. An attempt in the legislature to defy the law failed,‡ the State was districted, and before Congress assembled in December, 1843, Representatives were duly elected. Four States—New Hampshire, Georgia, Missouri, and Mississippi—refused to obey and chose their delegations by general tickets. "This," said the Whigs, "is a practical dissolution of the Union. The law is constitutional, is part of the supreme law of the land, and is binding on the States, anything in their own constitutions or laws to the contrary notwithstanding. When Congress meets and the pretended Representatives present themselves what will the consequences be? If seated, what becomes of the law? If rejected, what becomes of the States?"

The twenty-eighth Congress, most of whose members were elected under the requirements of the new act, assembled early in December, 1843. An attempt was at once made to prevent those from New Hampshire, Georgia, Mississippi, and Missouri from voting for Speaker. But the roll was called, the Speaker elected, and after a long struggle the question of en-

* J. Norvell to J. E. Crary, Michigan State Journal, July 13, 1842.

† Michigan State Journal, August 10, 1842.

‡ Ibid., January 25, 1843.

tering on the minutes a protest by fifty members was tabled. The Committee on Election in time made two reports. That from the majority set forth that the second section of the Apportionment act was not made in pursuance of the Constitution, was not valid, operative, or binding on the States, and that the members from New Hampshire, Georgia, Missouri, and Mississippi were entitled to their seats. That from the minority declared the section in question was constitutional, valid, and binding on the States, and that the general ticket requirement of the four States was in opposition to the law and void.* The House agreed with the majority and declared the members elected by general ticket entitled to their seats.

As representation was based on population, every census period for forty years had been followed by an increase in membership of the House of Representatives, and in this increase the North had well outstripped the South. Starting with a difference of ten members in favor of the North, under the census of 1790, the excess grew steadily decade after decade till, in 1833, it had risen to forty-four. The South then sent ninety-nine members to the House, and this was the greatest number she ever sent till after slavery was abolished.†

* Reports of Committees, 28th Congress, 1st Session, No. 60.

†*Census.*	*No. of Reps.*	*Free States.*	*Slave States.*	*Whites in Free States.*	*Whites in Slave States.*
1790	106	58	48	35,575	25,525
1800	142	78	64	33,391	25,830
1810	183	106	77	34,986	27,966
1820	213	124	89	41,013	31,315
1830	242	143	99	48,433	36,395
1840	223	136	87	70,708	52,575

CHAPTER LXXIII.

THE EAST IN THE FORTIES.

When the census was taken for the sixth time in 1840, just fifty years had elapsed since the first counting of the people in 1790. During that half century the population had grown from less than four millions to more than seventeen millions,* the frontier had been pushed across the Mississippi Valley to the western confines of Arkansas and Missouri and well into Iowa and Wisconsin, and the area of our country had swollen from eight hundred and twenty thousand square miles to over two millions.†

Ten million people now dwelt on the Atlantic slope, nearly six millions in the Mississippi Valley, and one million on the Gulf slope.‡ In the thirteen free States and two free Territories lived nine million five hundred thousand free white § and eleven hundred slaves.‖ In the thirteen slave-holding States and the one slave Territory were four million six hundred thousand free whites,¶ nearly two and a half million slaves,** and more than two hundred thousand free negroes.††

More than one-quarter of the people were engaged in planting and farming; nearly eight hundred thousand in trades

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* 17,069,453.

† The area of our country in 1789 was 820,680 square miles. To this the Louisiana purchase added 899,579 square miles; the Floridas, 66,900, and Oregon, after the treaty of 1846, 308,052 square miles, making the total area 2,095,211 square miles.

‡ Atlantic slope, 10,097,785; Mississippi Valley, 5,983,707; Gulf slope, 989,961.

§ 9,561,176. ‖ 1,134. ¶ 4,634,519.

** 2,486,321. †† 215,569.

and manufactures; one hundred and seventeen thousand in commercial pursuits; and sixty-five thousand in the learned professions. Ocean navigation afforded a living to fifty-six thousand, and canal-boating, flat-boating, steamboating, and sailing craft on lakes and rivers to thirty-three thousand souls. Nearly six hundred thousand white men and women over twenty years of age could neither read nor write. Fourteen thousand were insane, six thousand deaf and dumb, and five thousand blind. Sixteen thousand students attended one hundred and seventy-three universities and colleges; one hundred and sixty-four thousand scholars attended thirty-two hundred academies and grammar schools, and one million eight hundred and forty-five thousand children were in forty-seven thousand primary and common schools. Twenty-one thousand persons were drawing pensions for services in the War for Independence. Eight and a half per cent of the population dwelt in forty-four cities of eight thousand and more inhabitants each, and of these cities thirty-one were in free States and thirteen in the slave.

New York, with more than three hundred thousand inhabitants, the metropolis of the country, the great centre of trade, commerce, finance, and wealth, had now become a singular mixture of the old and the new, of buildings of all sizes and materials from the gayly-painted one-story cottage of wood to the five-story edifice of brick. Broadway was still badly paved, poorly lighted by gas, and was lined along the edge of the sidewalks by the remains of a once-flourishing row of Lombardy poplars. The street, however, was the great promenade, the great thoroughfare and the greatest centre of trade and fashion in the country. Up and down its ill-paved roadway rumbled, all day long, an endless stream of omnibuses, cabs, hackney coaches, handcarts, phaetons, and private conveyances with now and then a footman in livery, for with the increase in wealth had come in luxury and display. Up and down its sidewalks every fine morning moved a gay throng of sight-seers, shoppers, loiterers taking the air. From two to three o'clock was the fashionable hour, and then Broadway with its hundred omnibuses, its horsemen, its motley crowd of foreigners, its little barefoot girls who swept the

crossings, its ragged boys who sold matches and cried the penny newspapers, its brightly dressed women and young beaux with Byron collars and whiskers under their chins, presented a sight such as no other American city could show. "Heaven save the ladies," wrote Boz, as he described the scene, "how they dress! We have seen more colors in these ten minutes than we should have seen elsewhere in as many days. What various parasols, what rainbow silks and satins, what pinching of thin shoes, and fluttering of ribbons and silk tassels, and display of rich cloaks with gaudy hoods and linings!"

All travellers who described life in New York agree with Boz. One declares that the finery displayed by the women was amazing, that the show of shawls, bonnets, feathers, furs, and waists pinched almost to nothing was astonishing, and that any fine day you could see enough velvet at four dollars a yard to cover Broadway from one end to the other.

The poet Willis describes a day on Broadway as he saw it. By eight o'clock in the morning, he wrote, the clerks and workies have all passed down-town, and by nine the sidewalk is crowded with bankers and speculators bound for Wall Street, with old merchants and junior partners on their way to Pearl and Water Streets, and lawyers bound to Nassau and Pine Streets. Walk into Niblo's and stop in the greenhouse for an hour and you would find few there. Step into Broadway again and you would be sure to meet foreigners coming out of the café after a late breakfast, country people shopping, closely veiled women hurrying to the dressmakers, errand boys, newsboys, and at twelve o'clock mechanics going home to dinner. At one o'clock Broadway begins to brighten. The side streets pour out their streams of silk and velvet, flowers, feathers, ladies, dandies, shoppers and loungers of every description. The sidewalk is crowded, and the shops are thronged for an hour. Then the tide turns and sets upward, for three o'clock is the dinner hour.

Fashion and luxury were running riot, and there were now a Ladies' Oyster Shop, a Ladies' Reading-Room, and a Ladies' Bowling Alley with luxurious carpets and ottomans, and dressing-room, and girls to set up the pins.* Another

* Globe, November 23, 1843.

traveller declares that in no other city in the world were to be seen so many expensively dressed women gorgeous in bright-colored silks, satins, and ermine-lined cloaks, costly furs, ostrich feathers and pink and blue rohan bonnets. The men wore cloaks with collars of fur or velvet and rich tassels. Everybody in New York, says another traveller, is spruce in dress. The cartmen are well dressed, the boys selling matches are clean, no beggars, no drunken women, no dirty children are met with in the chief streets.

The shops which lined lower Broadway were one of the sights of the town. In them were to be purchased articles of use and luxury from every part of the world. On the sidewalks in front of them it was not uncommon to see marble slabs in which the names of the shopkeepers were cut in duplicate in order that they might be read by passers-by going in either direction. Along the curb before the shops were stout wooden pillars joined at the top by a bar. The pillars were covered with placards and from the bar hung show-boards with bills in bright colors, setting forth that furs, dry goods, and furniture were for sale within.

On the Bowery the shops were of a poorer sort, the people not so gayly dressed, the clothes ready-made, and the signs hung by ropes from poles that protruded from the upper windows. There carriages were seldom seen and carts and wagons were most numerous.

The exodus of wealth and fashion from the lower part of the city had but just begun. Park Place and Murray Street, Chambers, Warren, Franklin, White, and Broadway were still the chief centres of the rich and fashionable set. Bowling Green and St. John's Park, or Hudson Square, were still reserved for the exclusive use of the aristocrats whose fine double houses faced them, houses with richly wrought iron fences and newel posts and hand-rails up the steps. Nevertheless, the encroachment of business on the old residence part of the city was already felt and many fine houses were to be seen on Lafayette Place, Waverley Place, Washington Square, and lower Fifth Avenue. The people used the Battery, held their mass-meetings in the Park, and for an outing went to Vauxhall Garden, or across the Hudson to the Elysian Fields on

the Jersey shore. There they beheld a band of Penobscot Indians weave baskets and make moccasins and little canoes; saw the jugglers and rope dancers perform on the lawn; rode on the flying horses, swung in the huge yellow gondola, rowed on the river in brightly painted boats, wandered through the noble wooded park, and ate oysters at the crib.

The great hotel of New York was the Astor House; the great restaurant was Niblo's, and the theatres the Park, the Bowery, the National, the Chatham, the Olympic, the Franklin, and Barnum's Museum. The palatial club-houses of our day had no existence, but there were clubs in plenty. There was the Hone for good livers and men about town; the Kent for the lawyers; the Sketch Club for artists; the Bread and Cheese for literary and scientific men; and the Union Club for the descendants of the Knickerbockers. The sights that most interested strangers were the Battery, still a favorite lounging place on summer days and evenings; the water front with its scores of ships lying side by side and thrusting their bowsprits across the streets and almost into the windows of the houses opposite; the fountains at Union Square; the City Hall, the Tombs, the pigs wandering and rooting about the streets; * the oystermen blowing their horns; the ragmen pushing their carts with jingling bells; the chimney sweeps crying "Sweep, oh! sweep"; the bell-hangers and locksmiths going from house to house in search of bells to hang and locks to mend; the semaphore telegraph which stood on the top of the Exchange in Wall Street and the great room in the Exchange where the merchants met every week-day from one to three o'clock; the tunnel under Fourth Avenue;

* "It is not in the mere desire of following in the footsteps of others that, before quitting this part of the town, I direct attention to the numbers of vagrant pigs with which it is infested. I have seen specimens of this interesting race in Greenwich Street, not far from the Battery, but it is only when you gain the upper and more fashionable portions of the city that they appear to be quite at home, and to have their acknowledged place on the public promenades."—Mackay, The Western World, vol. i, p. 56. "We are going to cross here (Broadway). Take care of the pigs! Two portly sows are trotting up behind this carriage, and a select party of half a dozen gentleman hogs have just now turned the corner."—Dickens, American Notes, Chapter VI. Boz gives a couple of pages to the pigs. See also Grund, The Americans, p. 41.

the street cars that wound their way from Twenty-third Street to the City Hall; and the huge ocean steamships which once a fortnight came in from England. All travellers comment on the frequency of fires, which they attributed to the large number of wooden buildings, and many complain of the annoyance caused by the gangs of shouting men and boys who, on the alarm of fire, came rushing along the sidewalks dragging hose carts and fire engines regardless of the safety of the people.

The growth of the city had made more post-offices necessary, and now, beside the post-office in the Rotunda and the branch in the Merchants' Exchange, there were one hundred stations scattered over the city. Letters deposited in the boxes at these places were collected and delivered within the city three times a day by the "United States City Dispatch Post." The postage, three cents, might be collected on delivery or prepaid. If prepaid, or, as the expression was, if the letter was "freed," a three-cent postage-stamp must be affixed. Such stamps cost thirty-six cents a dozen or two dollars and a half a hundred.

With the new and modern was still mingled much of the old and antiquated. No day police as yet existed. Except in times of riot and disturbance, times that were far too frequent, when the mayor had power to appoint special constables, the peace of the city from dawn to sundown was intrusted to the keeping of two constables in each of the seventeen wards. At sundown the night watch was set and continued till dawn. The watchmen, drawn from every walk of life, were usually men out of employment, or eager to add a little something to the scanty wages of irregular labor. They wore no uniform unless a leather hat like a fireman's be called such, carried each a pole and lantern, cried the hours of the night as of old, and gave the alarm of fire. Not till 1844 was a step forward taken by the passage by the legislature of the Municipal Police act, which should go into force whenever the city so ordered. The city did not so order; but, displeased with the act, passed an ordinance of its own which empowered the mayor to appoint a body of municipal police without regard to the State law. The duty of enforcing this ordinance fell to Mayor

Harper, elected on the native American ticket in 1844, and by him a force of two hundred policemen was accordingly organized. Each officer was to wear a blue coat with the letters M. P. on the collar. This they refused to do and openly rebelled. American citizens, they held, were born free and equal. They were not livered servants and would wear no uniform. The experiment for other reasons was far from successful, and in 1845 the ordinance was repealed and the State law put in force. This empowered the mayor to appoint a body of not less than eight hundred day and night police under the command of a Chief and assistants, and swept away a host of office-holders, lamplighters, fire-wardens, health-wardens, dockwaiters and many more. Henceforth the police were to light the lamps, ring the fire-bells, attend the fires, report disorderly houses and gambling dens, and see that the city ordinances were duly enforced.

Another relic of the past just displaced was the water system. Till the great Aqueduct was finished and the Croton Water introduced in 1842, the citizens drew their water supply from the Tea Water Pump, from pumps scattered about the city, from the wooden mains of the Manhattan Water Company, which supplied the lower part of New York, or bought it by the gallon from the proprietors of Knapp's Spring.

Second in population to New York was Philadelphia, which was really a cluster of little municipalities. The city proper lay between the Delaware and Schuylkill Rivers, Vine Street on the north and Cedar Street on the south, and contained ninety-two thousand souls. Around this and touching it were six independent districts. To the north were Northern Liberties, Kensington, and Spring Garden; to the south were Southwark, Moyamensing, and Passyunk. Each had its own local government, and was wholly independent of every other. Save for purposes of government, the mass of people and buildings thus gathered between the Delaware and the Schuylkill, the northern limits of Kensington and Spring Garden and the southern bounds of Southwark and Moyamensing made one city. Within these bounds, however, were seven distinct and conflicting jurisdictions. Should Philadelphia councils sup-

press grog shops, Kensington or Moyamensing might license and encourage them. Should the city abolish junk shops and pawn shops as depositories of stolen goods, Southwark and Spring Garden might establish them by hundreds. Should the mayor and the troops drive a body of rioters to the edge of the city limits they had but to cross into an adjacent district to be beyond pursuit. Though independent, these outlying districts were looked on as really part of Philadelphia, and when a citizen claimed for her a population of two hundred and twenty thousand and the second place in rank among American cities, he included in his claim the dwellers in the outlying districts.

Strangers who came to Philadelphia were very differently impressed by what they saw. "The first thing that strikes you on entering Philadelphia," so said one traveller, "is that the day is Sunday, for the streets are so quiet, so orderly, and so few people are stirring. Before you have paraded half a dozen streets you think it must be Saturday, as that is, generally speaking, washing day!" * "A striking contrast to New York," said another. "No feathers, no flowers or frills, no gaudy colors, no finery. Drab bonnets and drab gowns are everywhere." "Mediocrity personified in bricks and mortar," exclaims a third, "a comfortable city with no miserable and filthy streets, the refuge of squalid poverty. No Dutch town could be cleaner." † "One of the most attractive-looking towns I have ever beheld," said a fourth. "The sidewalks are neatly paved with bricks, the streets are clean, and well shaded by rows of trees. There is more quiet, more leisure, more comfort here than elsewhere, and in the beauty of its women it yields to none." ‡ "Scarcely anything can be imagined more beautiful," a fifth declares, "than a view down one of the streets, stretching from the Delaware to the Schuylkill, and lined with rows of trees in full leaf." A handsome city, Boz declared, but distractingly regular. After walking about for an hour or two he would have given the world for a crooked street. The collar of his coat appeared to stiffen, the brim of his hat to expand, his hair to slink into a short sleek

* Marryat, Diary in America.

† Thomas Hamilton. Men and Manners in America.

‡ Travels in North America, C. A. Murray, vol. ii, p. 290.

crop, and his hands, of their own calm accord, folded themselves across his breast under its Quaker influence.*

More serious visitors found much to praise in the well-paved streets, the fine public squares, the well-kept dwellings with their marble steps, white doors and brightly polished brass, and the fine shops on Chestnut Street, "more elegant than those of New York or Baltimore," and the equal of any on Ludgate Hill. The hotels were neither so large nor so comfortable as those in New York and Boston; the boarding-houses were much the same as in other cities and quite as inconvenient. Breakfast was served from seven to half after, dinner from two to half past two, and supper at six, and, despite the fact that the city had the finest markets in the United States, the fare was poor.

All strangers visited Independence Hall, Girard College, and the Merchants' Exchange with its spacious reading-room in which were newspapers from all parts of the world, stood by the grave of Franklin, commented on the classic beauty of the buildings of the United States Bank, the Girard Bank and the Philadelphia Bank, spent an afternoon at the Water Works, and sometimes inspected the prison, the Penitentiary, the Philadelphia Library, the Academy of Natural Sciences, and the Museum. This latter a traveller declares contained such a collection as might have been made by a school-boy: bones of a fossil mammoth, a basket made of a cherry-stone, a fragment of the boiler of the *Moselle,* and a collection of daubs called portraits of eminent men.

Places of amusement were few. The three theatres were poorly patronized unless some popular actor occupied the stage. The mass of the people found their intellectual pleasures in the concerts of the Musical Fund Society and in lectures on all sorts of subjects. Thus in the course of three winter days there was a sermon by a Mormon elder; a lecture on Geology by Lyell; a lecture on Courtship and Marriage, at the Wilbur Fisk Literary Institute; on the Huguenots, at the William West Institute; on Socialism, in the Hall of the United Friends of Human Progress; on the Existence of Apparitions, in the Southern Lyceum; on Animal Magnet-

* American Notes, Chapter 7.

ism before the Jefferson Library and Literary Association; on Napoleon, at the Richmond Institute; and at Carroll Institute, a discussion of the question, " Should Capital Punishment be Abolished? " * Boz thought that Philadelphia was more provincial than Boston or New York; and that there was " afloat in the fair city an assumption of taste and criticism savoring rather of those genteel discussions upon the same themes in connection with Shakespeare and the musical glasses of which we read in the ' Vicar of Wakefield.' "

Next in rank to Philadelphia, and third in rank in the Union, was Baltimore, within whose limits dwelt more than one hundred and ten thousand souls. Strangers thought it a fine city. Baltimore Street with its rows of attractive shops and gay throng of shoppers and pleasure seekers, the comfortable dwellings of red brick and marble, the fine fountains, the Washington Monument, the Battle Monument, the Medical College, the Roman Catholic Cathedral with its great organ, the Exchange and the Custom-House—never failed to excite the admiration of beholders. There were no squares so fine as Hudson Square or Washington Square, no rows of dwellings equal to those in Lafayette Place or Waverley Place in New York; neither was there such a mass of mean wooden houses scattered among the better kind of brick and stone as might be seen in New York and Washington. Boz declared that of all the hotels he put up at while in the United States, Barnum's was the most comfortable, for there the English traveller would find curtains to his bed for the first and probably the last time in America, and there he would have water enough to wash himself, " which is not at all a common case " in America.

For Washington, few travellers had a kind word. Boz described it as the city of Magnificent Intentions. Wide avenues that began in nothing and led nowhere; streets without houses and inhabitants; public buildings that needed but a public to be complete; ornaments of great thoroughfares that only lacked thoroughfares to be ornaments—were, he said, its chief features. Private houses with green blinds and a red and white curtain in each window, streets that looked as if the

* Philadelphia Ledger, January 22, 24, 25, 1842.

plough had just passed through them, coarse grass in every place where it ought not to be, three handsome public buildings entirely out of everybody's reach, a brick-field without bricks in all central places where a street would naturally be expected, and an occasional tornado of wind and dust—such, to him, was Washington. Another English traveller * declares the chief defect of the city was, that so little of it was built upon, that the dwellings were scattered over it in detached groups, and that with its fragments of streets and isolated buildings it seemed like a town stopped when rising into existence and now stagnant. Private houses, with a few exceptions, were small and mean, and by far the greater part were of wood. Scattered in little groups, or standing alone, they looked worse than if continuous. On streets that were built up, such as Pennsylvania Avenue, the houses were so little, so different in height, style, and quality, and the shops so small and scantily furnished, that the city had a temporary, transitory appearance.

The bitterest of all our critics † was delighted with the light, cheerful, airy aspect of the city. The absence of all sights, sounds, and smells of commerce added to its charms. Instead of drays you saw handsome carriages; instead of busy, bustling men hurrying on to a sale of "prime breadstuffs," you saw well-dressed people lounging leisurely up and down Pennsylvania Avenue, a street of magnificent width planted on each side with trees and ornamented with many splendid shops.

The Patent Office with its collection of models, the Indian Bureau with its Indian portraits, the Capitol, admired by all who saw it, the members of the House wearing their hats during each session, the Declaration of Independence then displayed in a glass case in the Department of State, Trumbull's pictures, and the room where the Supreme Court sat, and the President's House—were the sights that most interested strangers. The slave market, the open sale of lottery tickets, shocked the moral sense of native as well as foreign visitors. The large number of negroes who com-

* Buckingham. America, Historical, Statistical, and Descriptive, vol. i, p. 197.

† Mrs. Trollope. Domestic Manners of the Americans, Chapter 20.

prised all the domestic servants, a great part of the laboring class, and most of the drivers of wagons, hackney coaches and cabs, gave an appearance of poverty and distress to the streets, it was said, such as was not to be seen in northern cities.

South of Washington the large cities were Richmond, with a population of twenty thousand; Petersburg, with eleven thousand; Norfolk, with over ten thousand; Savannah, with over twelve thousand; and Charleston, with twenty-nine thousand two hundred and sixty-one, which was just one thousand and twenty-eight less than dwelt in that city in 1830. Some attributed this to a fire which in April, 1838, destroyed over eleven hundred buildings and property worth three millions.

Boston with a population of ninety-three thousand, and fifth in rank, seemed to Boz a beautiful city. The private dwellings were "large and elegant," the shops "extremely good," the public buildings handsome, and the air of intellectual refinement and superiority which marked the citizens of all ranks he attributed "to the quiet influence of the University of Cambridge." Others were impressed by the few wooden houses as compared with New York, the tasteful porticoes that sheltered the doors, the fine iron railings around the areas, the bowed projections instead of bay windows, the balconies, the small plots of grass and the stately trees that were to be seen before the houses in so many of the streets. Everything betokened wealth very equally divided and diffused and comfortable living rather than costly show. No dilapidated dwellings, no untenanted houses met the eye. The streets were well paved, well lighted, swept and drained, and free from the mud and dust so unpleasant in New York.*

Pearl Street and Summer Street, long since given up to business, were then fine residence streets; but the fashionable quarter was Park Street, Beacon Street, and the neighborhood about the State-House and the Common. The Tremont House many travellers thought the best hotel in the country, but all condemned the American hotels for their bad meals

* Buckingham. America, Historical, Statistical, and Descriptive, vol. ii, pp. 331, 332.

and the hasty manner in which they were eaten. To be roused from slumber at half past seven in the morning, summoned to breakfast by the same gong at eight, and forced to sit down at a long table with a score or more of human beings who ate ravenously and then hurried away to business, was most distasteful to foreigners. The hour for home dinners was two o'clock, for dinner parties five o'clock, and all parties and dances were over before eleven.

That wonderful humanitarian movement which for thirty years had been going on in our country had produced in Boston nine-and-twenty benevolent and charitable institutions for the relief of the destitute, the friendless, and the oppressed. The sick, the infirm, the blind, indigent boys, fallen women, orphans, widows, children, seamen, were now the objects of a benevolent care quite unknown thirty years before. In truth, there was scarcely a worthy object of any sort that was not furthered by a society. There was the Society for the Moral and Religious Instruction of the Poor, the Society for the Diffusion of Useful Knowledge, the Young Men's Society for the Promotion of Literature and Science, and the American Education Society, whose aim it was to seek for and extend the best plans of education. No characteristic of the American of that day was more marked than his fondness for lectures. To encourage and gratify this last was the duty of the Boston Lyceum, the Social Lyceum, the Mechanics' Lyceum, and the Massachusetts Lyceum. Questions of the day were discussed by the Boston Debating Society and the Franklin Debating Society. The bookish people in the city now supported five circulating libraries, besides the Mercantile, the Apprentices', the Columbian, the Library Society, and the Athenæum. There were ten daily newspapers, twenty-seven weeklies, and seven periodicals issued twice a week. Four penny posts distributed letters about the city. A semaphoric telegraph announced to the merchants the arrival of vessels off Nantucket, and two rival express companies competed for the carriage of packages and letters between Boston and New York.

Travellers from the Old World rarely failed to remark the lack of parks to which the people of the great cities could

resort on summer evenings and on Sundays, and the absence from the streets of all sorts of popular amusements. One declared that the Americans were not fond of any kind of public amusements and were best pleased with an abundance of business. Their pleasure consisted in being constantly occupied; and their evenings were either spent at home or with a few of their friends as private as possible.* "How quiet the streets are!" exclaimed Boz. "Are there no itinerant bands, no wind or stringed instruments? No, not one. By day, are there no Punches, Fantoccini, dancing dogs, jugglers, conjurers, orchestrinas, or even barrel-organs? No, not one. Yes, I remember one. One barrel-organ and a dancing monkey. Beyond that nothing lively, no, not so much as a white mouse in a twirling cage.

"Are there no amusements? Yes, there is the lecture-room and evening service for the ladies thrice a week, and for the young men the counting-house, the store, the bar-room, and the fifty newspapers the urchins are bawling down the street. These are the amusements of the Americans." †

For the serious-minded there were lyceums and lectures on all manner of subjects by men who were orators and public speakers of a high order. For the gullible there were mesmerism, animal magnetism, phrenology, and phreno-magnetism. During several years a host of charlatans wandered over the country lecturing and performing their tricks in the chief cities and towns, and convincing men who should have known better. We examined phrenology, said the editor of a reputable paper, and now regard it as a demonstrated branch of anatomy and physiology, and having taken the same attitude toward mesmerism, we say that much of it is proved and that whatever is asserted is worthy of examination. Both mesmerism and phrenology had been brought into disrepute by the pretensions of those who made a trade of them for the purpose of exciting wonder and making money. This was unfortunate, but did not effect the truth.‡

The tricks of these charlatans was well illustrated by the doings of one of them at Baltimore in the spring of 1843.

* Grund. The Americans, pp. 76–77. † American Notes, Chapter 6.
‡ Philadelphia Ledger, May 19, 1842.

A Dr. Jeter gave lectures on mesmerism and phreno-mesmerism in the course of which a young man was thrown into the mesmeric state, and when the various "bumps" were touched went through certain motions indicative of firmness, hope, wonder, order, time. After closing his own exhibition the doctor would call for some one in the audience familiar with phrenology to come upon the stage and repeat the tests. One evening a certain physician responded to the call, took the hand of the subject in one of his, and passed his other hand over the head of the mesmerized lad till he touched veneration. As he did so somebody in the audience asked, "What organ is that?" "Combativeness," was the reply, whereupon the subject at once "began hammering away at the doctor," who then made a speech and declared the exhibition a humbug. But the believers in mesmerism were not to be beaten; another phrenologist came to the rescue, took the stage, touched self-esteem, tune, and veneration, and drew from the subject in each case a suitable response. He then touched both tune and amativeness, whereupon the subject sang a love song.*

The popular interest aroused by these exhibitions brought other lecturers to the city and led to a public debate between the believers and the non-believers in mesmerism.† One of the doctors in his advertisement asserted that all persons could be mesmerized, and that with the aid of mesmerism the most painful surgical operations could be performed, and, indeed, all pain could be banished.‡

Now and then some newspaper warned the people of its locality against a wandering phrenologist who had stolen a watch § or a mesmerist guilty of gross fraud.‖ But the delusion was popular; the tricks with the bowl of molasses, the black glass and the mesmerized chicken were curious and amusing, and mesmerism and phrenology remained the rage till supplanted by the famous Rochester knockings.

On the boards of the theatres appeared a host of players who wandered from one city to another singing operas and

* Baltimore Sun, March 22, 1843.
† Ibid., May 23, 1843.
‡ Ibid., May 2, 1843.
§ Albany Journal, March 6, 1842.
‖ Detroit Advertiser, quoted by Albany Journal, May 10, 1843.

producing plays now rarely seen or long since forgotten. Some, of whom Booth and Forrest were easily the chiefs, were natives. But the great majority came from over the sea. Such were Tyrone Power, last seen in our country in 1841; Macready and Charles Kean, who played for the first time in America at the old Park Theatre, New York, in 1830; Charles and Fanny Kemble; the Revels, the delight of our fathers for many years; and Ellen Tree, the most popular actress of her day in this country save Fanny Kemble. Such were John Brougham, the great violinist Ole Bull, and Fanny Elssler, who danced herself into favor in 1840 and two years later carried away as the result of her three American visits eighty-five thousand dollars, a great sum of money in those days. "The divine Fanny," "the Elssler," swept all before her. On nights when "La Cracovienne" and "La Tarentule" were given in New York every other theatre was deserted. When she danced the audience stood up to cheer and applaud. At Boston an engagement of thirteen nights brought her fifteen thousand dollars despite the hard times. At Baltimore seats sold for three dollars and a half and men struggled for a chance to drag her carriage from the theatre to the hotel. At Richmond she was met at the cars by a crowd which, headed by a band, escorted her to the hotel. At New Orleans a short engagement netted her twelve thousand dollars.

At New York the Park, the Bowery, Niblo's, and the National were the homes of the regular drama, and at them from time to time were to be seen Forrest in "Metamora," the "Gladiator," "Richelieu," "Macbeth," "Othello," or the "Lady of Lyons," or Kean in "Richard III," "Hamlet," "Julius Cæsar," or as Sir Charles Overreach, or Claude Melnotte. On the long list of plays popular in the forties were: "Virginius," "Jack Sheppard," "Don Cæsar de Bazan," "His Last Legs," "London Assurance," "Old Heads and Young Hearts," "Charlotte Temple," and "Revenge."

Mitchell's Olympic was the house of farce, burlesque, and burlesque ballet opera. The pit, or, as we call it, the orchestra seats, had always been reserved for men. But when

the hard times of 1840 forced the theatres to lower their prices, admission to the pit of the Olympic was reduced to twelve and a half cents and every Saturday night it was crowded with newsboys and butcher boys from Fulton Market. On its stage in 1840 were given: "La Crack-a-Vien," a burlesque on "the Elssler"; the "Savage and the Maiden," a great favorite founded on a scene in "Nicholas Nickleby"; the musical burletta "Man-Fred," a travesty of Byron's play; "Buy It Dear, 'Tis Made of Cashmere," an operatic ballet burlesquing "The Bayadere or the Maid of Cashmere"; "High Life Below Stairs"; and the "Roof Scrambler," a burlesque of "Sonnambula."

Italian opera was first sung in our country in the Park Theatre, New York; but eight years passed before an attempt was made to open an opera-house devoted to it exclusively. The attempt failed, as did Palmo's Opera-House opened in 1844. A few times each year, however, opera was sung at the Park, the Bowery, or Niblo's; but the occasions were few and the audience small.

Grund believed that with a very few exceptions no theatre was financially successful. Few ladies ever went to one. To frequent them even by gentlemen, was not considered "a recommendation to their character." Indeed, many religious bodies would not allow their members to be seen in a playhouse. Some English stars had, it was true, been so successful that whole constellations had travelled out of their orbits to give Brother Jonathan a chance to improve his taste. But it was curiosity, not a taste for the theatre, which sent the American to see them. The performances of a learned elephant or a trained dog would have been just as attractive. No exhibitions of any kind drew such audiences as the automaton chess player and the "Burning of Moscow." Even Miss Kemble found a formidable rival in the automaton Turk.* De Tocqueville also maintained that very few Americans went to the theatre. Playgoers and plays, he admitted, had greatly increased within the last forty years. Yet the population indulged very sparingly in this sort of amusement. People who spent every week-day in making money

* Grund. The Americans, pp. 76, 77, 78.

and every Sunday in going to church had little to invite the Muse of Comedy.*

Nor was there much, in the opinion of de Tocqueville, to invite any other muse. Of literature we had next to nothing. When, said he, a traveller in the United States goes into a bookshop and looks over the American works on the shelves he finds that the books are many but the known authors few. England furnished Americans with most of the books they read, nay, it might almost be said, with most of the books they wrote; for the larger part were English in substance and English in form. "The inhabitants of the United States," said he, "have then, at present, properly speaking, no literature."† Another of our critics went further and doubted whether it was possible for America ever to have a literature. Science and literature could not flourish under Democratic government. Still another attacked this position. He admitted that Americans were as yet imitators of Europe. But what were fifty years in the history of the literary or scientific progress of a people still fighting nature and the savages? Their life was full of poetry and incident which, all in good time, would find its full expression in works of the imagination. Indeed, it had begun to find such expression. Cooper and Irving, Hillhouse and Bryant needed no introduction to Europe. Paulding's "Dutchman's Fireside," "John Bull in America," and "Westward, Ho!" were as well known in England as in America. Among lyric poets there were Percival and Bryant and Dana, whose "Idle Man" and "Buccaneers" were justly held in high esteem. "The Last Judgment," "Percy's Mask," and "Hadad" of Hillhouse were dramatic compositions of a high order. "The Gladiator" of Dr. Bird, of Philadelphia, as presented by Forrest, had been well received even by a London audience. Mrs. Sigourney, Miss Sedgwick, Willis, Fay, who wrote "Norman Leslie," were names well known to the British public.‡

In 1842 Dickens published his "American Notes," and the year following the *Foreign Quarterly Review* attacked the

* Democracy in America, vol. ii, Chapter 19. † Ibid., Chapter 13.
‡ Grund. The Americans, pp. 100–103.

newspaper press of the United States and in 1844 the poets and poetry of America. No British traveller, up to that time, had ever received such a popular ovation as was given to Boz. From the day he landed at Boston the press and the people vied with each other to do him honor. Everything he did, every trip he made, here Monday, there Tuesday, somewhere else on Wednesday, were duly chronicled by the newspapers. Tickets to the great ball in his honor at Boston sold as high as forty dollars.* Hog, it was said, sells for one cent a pound in Illinois, and beef for eight cents. Such a ticket would cost an Illinois farmer four thousand pounds of hog or five hundred pounds of beef.† At Philadelphia complaint was made that Boz was being monopolized by "the elite, soi distant magnates, by a clique self-delegated to represent the respectability and talent." A committee of five plain people, therefore, tendered a reception, which he so far accepted as to consent to shake hands with the crowd. Dickens, it was said, was being Fanny Elsslerized. No people in the world were so fond of imported lions as the Americans.

When "American Notes" was published the first copy to reach our country came by the *Great Western* early in November. It was six o'clock on a Sunday evening when the steamship made fast to her dock; but in nineteen hours the book had been reprinted by the New World and was selling at twelve and a half cents a copy. Fifty thousand copies were sold in New York in forty-eight hours.‡ At Philadelphia the first shipment of three thousand copies to arrive from New York was sold in thirty-five minutes after it was received. Another bookseller disposed of four thousand copies in less than two hours and could have sold a thousand more.§ It was the same everywhere. The people were eager to read what the great novelist had to say about them, and read it with disgust.

The attacks on our countrymen by the British press,

* New York American.

† Philadelphia Ledger, February 15, 1842.

‡ Niles's Register, November 12, 1842, p. 176.

§ Philadelphia Ledger, November 9, 11, 1842; Globe, November 16, 1842.

British reviews, British travellers, and Boz were largely the result of bad manners and insular prejudice. But the hatred which the average British subject felt for the United States, a hatred fully returned by the American, had much to do with these assaults and had lately been again aroused by a long series of quarrels and international incidents. The burning of the *Caroline,* the trial of McLeod, the Webster-Ashburton Treaty, the red-line map, the dispute over Oregon, the charge of British meddling in Texas, the default of the States in the payment of interest, had made abuse of the United States popular in Great Britain. Anything American that could be held up to scorn was so treated, and among the many things American the British journals delighted to hold up to scorn was our literature.

To have left the abuse unanswered would have been wise. Unhappily, it was made the subject of an article in the *North American Review* * and of a book by George P. Putnam.† "Americans," Mr. Putnam says, "have never laid claim to great achievements in poetry. Critics, and patriotic ones, too, have remarked that no work in verse of enduring quality has yet appeared in the Western World. Any man of candor could see that if such rhymesters as Freeman, Trumbull, Paine, and Barlow are now and then referred to it is to mark the progress of literature in America and to fill up a chronological series." There were, nevertheless, a few Americans who deserved the name of poets. They were, according to Mr. Putnam, Dana, Hillhouse, Charles Sprague, the Boston banker poet, Drake, Percival, Halleck, Bryant, and such writers of lyrics and minor compositions as Pierpont, Brainerd, Hoffman, Willis, Whittier, and Holmes. Longfellow, he thought, had perhaps written the most that would live as American poetry. Among women who had "adorned the literature of their country" were Miss Gould, Miss Brooks, Mrs. Ellet, Lucretia and Margaret Davidson, and, of course, Mrs. Sigourney and Miss Sedgwick, whose "Hope Leslie," "Redwood," and the "Linwoods" were to be found in every well-regulated library. The great novelists

* A Parody on English Criticism, North American Review, No. 124.

† American Facts. George Palmer Putnam, 1845.

besides Cooper and Irving were Paulding, Dr. Bird, who had written five novels, Kennedy, and William Gilmore Simms. Among those who had contributed "much to elegant literature" that would "not soon be lost in the waters of Lethe" were Mrs. Child, Mrs. Kirkland, Dunlap, and the author of "Researches on Tasso and Dante," the author of "Greyslaer," and the author of "Twice-Told Tales." Save Hawthorne, all were long since drowned in the waters of Lethe.

Most of those whose hold on posterity has not yet been lost were still to achieve greatness. Bancroft had finished his account of the colonial period of our history and had begun to tell the story of the Revolution. Prescott had leaped into fame at home and abroad by the publication of "Ferdinand and Isabella." Poe was little appreciated. Seldom does his name appear in the lists of American men of letters; yet before 1840 he had published "The Murders in the Rue Morgue," the "MS. Found in a Bottle," the "Fall of the House of Usher," and "Ligeia."

Of the New England poets, Longfellow had reached popularity; Holmes was rising into note, for he had written "Old Ironsides," "The Last Leaf," the "Dorchester Giant," and had published a thin volume of poems. Lowell had but just graduated from college.

The most prolific writer of the day and the most popular, save Cooper, was William Gilmore Simms. Within fifteen years he had published seven collections of poems and eleven novels, ten of them in two volumes. "Martin Faber," "Guy Rivers," "The Yemassee," "The Partisan," "Mellichampe," "Richard Hurdis," and "Border Beagles" find few readers now. But the public once read them eagerly.

The foremost man of letters then living in America was Emerson. "Nature," the "American Scholar," and "Literary Ethics" marked the arrival of the only man of that day whose essays had any real influence on his generation, or have lived down to our own. Of the great mass of poets and poetesses—the literati, as they loved to think themselves—not one is now remembered. That was the puerile age of our literature, and was justly denounced as such by Poe. Of the

three-score and more American writers reviewed by him, the modern reader knows not ten. Estelle Lewis, Elizabeth Ellet, Caroline Kirkland, Ann Stephens, Mary Gove, Elizabeth Bogart, Epes Sargent, Ralph Hoyt, Rufus Dawes, George Colton, Laughton Osborn, William Lord—all, and many more, were long since forgotten.

The decade which ended with 1850 marked the opening of a brighter era. Then came to the fore men whose names will long be held in remembrance, and then were written novels, poems, essays, histories that will long be read. From Emerson came two volumes of essays, his first collection of poems, and "Representative Men." Poe gave to the world the "Black Cat," the "Gold Bug," the "Mystery of Marie Roget," "Annabel Lee," the "Raven," and the "Bells," and passed with little notice to his grave. Hawthorne published "Grandfather's Chair," the second volume of "Twice-Told Tales," "Mosses from an Old Manse," and the "Scarlet Letter." Lowell wrote his "Fable for Critics" and the "Biglow Papers," and Cooper the best of his novels. Then came in quick succession from his pen seventeen works of fiction,* a "History of the Navy," and a long series of biographical sketches for *Graham's Magazine*.

To that decade belong the "Wreck of the Hesperus," the "Skeleton in Armor," the "Village Blacksmith," the "Goblet of Life," the "Old Clock on the Stairs, "Excelsior," "Evangeline," the "Building of the Ship," the "Conquest of Mexico," the "Conquest of Peru," and the "Oregon Trail," which marked the coming of an historian who is still unsurpassed.

The channels through which writers of poetry, short stories, essays, and reviews reached the people were the cheap magazines and periodicals, of which there was an abundance. Most of them, after a feeble life of a year or two, died and were forgotten. A few flourished greatly, and some

*The Pathfinder, Mercedes of Castile, The Deerslayer, Home as Found, The Two Admirals, Wing-and-Wing, Wyandotte, Afloat and Ashore—four volumes; Satanstoe, The Chainbearer, The Redskins, The Islets of the Gulf, The Crater, Jack Tier, The Oak Openings, The Sea Lions, The Ways of the Hour, and Ned Myers, or a Life Before the Mast, a true story of the life of an old shipmate.

lived down to our own time. Democracy had spread from politics and social institutions to literature. The day of the people's literature had come, and to reach the people a magazine must be cheap, must contain such matter as afforded amusement to the unlearned, and, above all, must appeal strongly to women. The pages of the early magazines abound, therefore, in sentimental stories, maudlin poetry, puzzles, and advice as to the proper way to cook a dinner or make a dress. One of the earliest of this new type was the *Saturday Evening Post,* the lineal descendant and successor of Franklin's *Pennsylvania Gazette.* The new name and the new style were assumed in 1821, and ere six years passed the circulation reached seven thousand copies each week. Greater still was the success of *Godey's Lady's Book*, also published in Philadelphia, which had long been the mart and centre of literature. The editor, as was most fitting for a woman's magazine, was Sarah Hale, still remembered as the author of "Mary's Lamb." Most of its contributors, though well known in their day, left nothing that is read in ours; but some did, and among such are Longfellow, Holmes, Poe, Bayard Taylor, and Mrs. Sigourney.

A third famous Philadelphia periodical was *Graham's Lady's and Gentleman's Magazine,* "embracing every department of literature, embellished with engravings, fashions, and music arranged for the pianoforte, harp, and guitar." With *Graham's* for a time Lowell was associated and of it Poe was editor. In it were published Longfellow's "Spanish Student," "Nuremberg," the "Arsenal at Springfield," the "Belfry of Bruges," and Dante's "Divina Commedia"; Poe's "The Murders in the Rue Morgue," "A Descent into the Maelstrom," "The Conqueror Worm, "Israfel," and many reviews and poems; some of Hawthorne's "Twice-Told Tales," Cooper's "Isles of the Gulf," and contributions from Willis, Paulding, Miss Sedgwick, and Thomas Dunn English, who wrote "Ben Bolt." A fourth great Philadelphia magazine was Peterson's *Ladies' National*, to which Lowell, Poe, Griswold, and a host of now-forgotten authors made contributions. Others were the *Dollar Magazine*, which offered the prize Poe won with the "Gold Bug," and in

which was published Hawthorne's "The Unpardonable Sin"; *Miss Leslie's Magazine*, *Metcalf's Miscellany*, the *Nineteenth Century*, *Campbell's Foreign Semi-Monthly*, which introduced to American readers the "Song of the Shirt," "The Bridge of Sighs," and the "Haunted House"; Sartain's *Union Magazine*, which published Longfellow's "The Blind Girl of Castél Cuillé" and Poe's "The Bells"; and *John Donkey*, the second attempt to establish an illustrated comic paper in our country.* The first was the *Lantern*, founded by John Brougham.

At Charleston was the *Southern Quarterly Review*, at Richmond the *Southern Literary Messenger*, at New York the *Knickerbocker Magazine*, at Boston the *North American Review*. Besides these periodicals devoted to literature there were those whose field was law, medicine, theology, science, or some passing fad of the hour. Thus for the Brook Farmers there was the *Harbinger* and for the Transcendentalists the *Dial*.

In the fine arts the progress of our country in fifty years was most encouraging. The artists of the colonial school, Watson and Smybert, West and Copley, Peale and Stuart, had passed away. But a host of artists, sculptors, and engravers had arisen and produced work of no mean order of merit. Trumbull's "Declaration of Independence," "Surrender of Burgoyne," "Surrender of Cornwallis," "Resignation of Washington"; Vanderlyn's "Landing of Columbus"; Weir's "Embarkation of the Pilgrims"; Chapman's "Baptism of Pocahontas," all of which hang in the Rotunda of the Capitol at Washington; Rembrandt Peale's portrait of Washington in the room of the Vice-President, Vanderlyn's portrait of Washington in the House of Representatives, are works of real merit and well known to all Americans. Daniel Huntington, Thomas Sully, Thomas Cole, and Henry Inman, are among the great artists of the world. The sculptors were Greenough, whose chanting cherubs were famous in their day, and whose statue of Washington may still be seen

* The Philadelphia Magazines and their Contributors, 1741–1850, by Albert H. Smyth, a book to which I am much indebted, gives a very complete list of many of the short-lived magazines.

at the National Capitol; Hiram Powers, whose "Greek Slave" made a great sensation in its time, and whose statues of Franklin and Jefferson are in the Capitol; Crawford, who designed the bronze doors of the Senate portico, and whose "Liberty" crowns the dome of the Capitol, and W. W. Story, soon to rise to fame. Among engravers were Anderson, who first introduced the art into our country; Durand, one of the earliest of our line engravers of note; and Sartain. Annual exhibitions of paintings were held in the Athenæum in Boston, in the National Academy of Design, and by the American Art Union in New York, and by the Pennsylvania Academy of Fine Arts and the Artist's Fund Society in Philadelphia.

In medicine and surgery our countrymen were second to none. The great work of Ephraim McDowell, of Kentucky, and of Wright Post and Valentine Mott, of New York, in the ligation of arteries, the famous observations of Beaumont on the process of digestion, had given them a world-wide reputation. The discovery of chloroform by Guthrie, and, above all, of anæsthesia, were the greatest blessings bestowed on suffering humanity during the nineteenth century. In the early forties mesmerism was a popular craze; charlatans travelled the country over performing their tricks. When the interest of the people was thus aroused quack doctors took up mesmerism, declared that all persons could be mesmerized, and that any surgical operation could be performed without pain on a patient in the mesmerized state. Others had given exhibitions with nitrous oxide or, as it was called, laughing gas. Among those present at such an exhibition at Hartford in 1844 was Horace Wells, a practising dentist of that town. When it was remarked that the subject on that occasion had been cut and bruised by falls over the settees, yet had felt no pain, Wells announced his belief that a tooth might be extracted without pain from a patient under the influence of the gas, and expressed a wish that the experiment be tried on himself. On the following day this was done, was successful, and a new era opened in dental surgery. Elated by his success in other cases, Wells set off for Boston, where he was permitted to repeat the experiment before a

class of medical students, with one of the number as a patient. This was but partially successful, and Wells, deeply mortified, went back to Hartford and advised the manufacturer of oxide gas to go on using it for the amusement of the people. There is much evidence, however, to show that his fellow-practitioners of Hartford were of a different mind and continued to use the gas successfully.

The search for a safe anæsthetic was next taken up by William T. G. Morton, a dentist of Boston. To him, it is claimed, Charles T. Jackson, a chemist, suggested the use of sulphuric ether. Be this as it may, in September, 1846, Morton shut himself in his office, inhaled ether from a saturated sponge, and lay insensible for eight minutes. It was next administered to a patient and a tooth extracted without pain. And now the greatest step of all was taken, and in October, with the consent of Dr. J. C. Warren, ether was administered to a patient about to undergo an operation in the Massachusetts General Hospital at Boston. The success was partial; but on the following day it was again administered in a capital operation with entire success.

The decade ending in 1850 was rich in discoveries and inventions of world-wide use. It was during this time that Charles Goodyear, after ten years' struggle with poverty, failure, and discouragement, discovered a process of hardening india-rubber; that Elias Howe, Jr., invented the first successful sewing-machine; that McCormick and Hussey opened the way for the great grain fields of the West by the introduction of the reaper; and that Hoe advanced the art of printing with his type-revolving press. Great was the progress also in the means of transportation, and lines of ocean steamships now joined our country with the Old World.

After the passage of the Atlantic by the *Savannah* in 1819 no one seems to have thought seriously of ocean steam navigation between the Old World and America till 1832. There was then living in London an American citizen named Junius Smith. He had spent fifty-four days on a passage from London to New York in October of 1832, and thirty-four on the return passage, and convinced that the run could be

made by steam in fifteen days, he determined to organize a company to operate ocean steamships. The task was a hard one; but success came at last, and in 1836 the British and American Steam Navigation Company of London signed a contract for a twenty-four-hundred-ton vessel to be called the *British Queen.* She was to ply between the west coast of Ireland and Boston, touching at Halifax. Ere the vessel could be built a rival appeared in the Great Western Steamship Company which determined to run a vessel between Bristol and New York. Not to be outdone by its rival, the British and American Company chartered the *Sirius,* a steamer intended for service between London and Cork, and on the evening of the fourth of April, 1838, she left Cork for New York. Three days later the *Great Western* of the rival line left Bristol, also bound for New York. The *Sirius* was first to arrive, and on the night of April twenty-second appeared off Sandy Hook and ran aground. The rising tide floated her, and at four o'clock on the morning of the twenty-third she steamed up the bay and anchored off Castle Garden. About noon on that day the semaphoric telegraph announced the arrival off the Hook of the *Great Western,* and an hour later her smoke was visible to the thousands that crowded the Battery. As she passed Bedloe's Island the fort on Governor's Island saluted with twenty-six guns. Followed by a fleet of row-boats and small craft crowded with cheering men, she steamed around the *Sirius,* decked with bunting and crammed with spectators, and went on to her berth near Pike Street on the East River. "Steam navigation across the Atlantic," wrote an enthusiastic editor, "is no longer an experiment but a plain matter of fact." * A week later when the *Great Western* set sail for England with a crowd of passengers on their way to London to attend the coronation of Victoria, another public demonstration marked her departure. Thenceforth the *Great Western* ran regularly between New York and Bristol till 1846. The *British Queen* left Portsmouth for New York in 1839 and remained on the route for two years.

The beginning of steam navigation between the Old World

* New York Express, April 24, 1838.

and the New aroused Samuel Cunard, of Halifax, and sent him to England, where he founded the British and North American Royal Mail Steam Packet Company. The steamers were to be four in number, were to be called *Britannia, Arcadia, Caledonia,* and *Columbia,* and were to ply between Liverpool and Boston, with the *Unicorn* to run from Boston to Halifax. May sixteenth, 1840, the *Unicorn* left Liverpool, and early in June, after a voyage of nineteen days, reached Boston. A great public demonstration followed, the captain was given a reception in Faneuil Hall by the city, and was honored with a banquet which four hundred persons attended.

On July fourth the *Britannia* left Liverpool and in fourteen days and eight hours reached Boston. The *Arcadia,* which arrived on August seventeenth, made the passage in twelve days and eighteen hours. Such was the popularity of the Cunard line that in the winter of 1844, when the *Britannia* was ice-bound in Boston Harbor, the merchants raised a great sum of money and had a channel seven miles long, it is said, cut through the ice to the open water, that the steamer might depart on the appointed day.

The time seemed now at hand when the American clipper would be a thing of the past. If the great ocean carrying trade was not to pass from American to foreign bottoms the inroads made on it by the heavily subsidized British steamships must be met, and met promptly. Congress, therefore, in 1845 empowered the Postmaster-General to contract with American citizens for the carriage of mail from any port of the United States to any port in Europe, in American vessels owned by Americans. Postage on letters and packets from the United States to any port in England or France was to be twenty-four cents for each half ounce or fraction, with inland postage added.* The first result was the formation of the Ocean Steam Navigation Company of New York, which agreed to make twenty trips a year between New York and Bremen, touching at Havre for a mail subsidy of two hundred thousand dollars. The offer was accepted, and two fine steamships, the *Washington* and the *Herrmann,* were built.

The next result was a proposal† from Edward K. Collins

* Act of March 3, 1845, Chapter 69.

† Dated March 6, 1846.

to carry the mail between New York and Liverpool. The vessels were to be built under the supervision of the Secretary of the Navy and so constructed that they might, at the least possible cost, be converted into first-class war vessels. Each must receive as watch officers four passed midshipmen and a mail agent. Congress approved the contract,* and in 1850 four steamships of the Collins line—the *Atlantic, Pacific, Baltic,* and *Arctic*—left New York for Liverpool. The subsidy for twenty round trips was three hundred and eighty-five thousand dollars a year.

The same day on which the President signed the bill approving the Collins contract he signed another establishing a mail route from New York to Chagres, across the isthmus to Panama and from Panama to Astoria.† Under this, contracts were made with George Law for the carriage of mails between New York and Colon, and with C. H. Aspinwall for their carriage from Panama to San Francisco and Astoria, and in October, 1848, the *California,* of the Pacific Mail Steamship Company, began her voyage from New York around the Horn for Panama and San Francisco. She was quickly followed by the *Panama* and *Oregon.* As a result of this wise legislation the tonnage of steamships registered for ocean carriage rose from fifty-six hundred and thirty-one tons in 1847 to forty-four thousand nine hundred and fifty-two tons in 1850.

Every year saw travel by land greatly improved. Tyler's message to Congress in December, 1841, was carried from Washington to Jersey City in eight hours and fifty-three minutes, a trip hailed as the quickest ever made, up to that day, in our country.‡ The express mail was now carried from New York to Washington in one day; Richmond was but one day and a half from New York; Charleston but three days and sixteen hours; Mobile and New Orleans but six days and nineteen hours. Express mail from New York reached Wheeling in two days and eight hours; Columbus in

* Act of March 3, 1847, Chapter 62.

† Act of March 3, 1847, Chapter 63.

‡ The messenger left Washington at 12.10 P.M., reached Baltimore at 1.20, Philadelphia at 5.55, New Brunswick at 8.13, and Jersey City at 9.03 P.M.—Globe, December 10, 1841.

less than three days, and St. Louis in less than five days. Travellers made the trip from New York to Baltimore in fourteen hours and had two hours to wait at Philadelphia. On the train from Philadelphia to Baltimore was a ladies' car with curtains and mirrors and a woman in attendance. To it none but ladies, or such as had gentlemen with them, were admitted. From Baltimore the traveller bound west went by rail to Columbia, by mail chariot over the Cumberland Road to Wheeling, and made the journey in less than forty-four hours. At Wheeling he crossed the ferry to the Ohio side of the river, was in Cincinnati by way of Columbus in fifty-nine and a half hours, including two stops of six hours each for repose. A boat trip of twelve hours brought him to Louisville, and one hundred and forty-nine hours later he was at Natchez, which was thirty hours from New Orleans. In twelve days and six hours he had travelled from New York to New Orleans.

Northward from New York there was as yet no railroad. Ground, however, had just been broken for two. One was to begin on the north bank of the Harlem River and go northward, fifteen to twenty miles east of the Hudson River, to Greenbush opposite Albany and thence to Troy. The second was to run along the east bank of the Hudson River from a point opposite Albany to New York.*

Eastward from New York there was as yet no through rail route to Boston. Travel between these cities was by boat from New York to Providence and then by rail to Boston; or by boat to New Haven, rail to Hartford, stage to Springfield, and rail to Boston. From Boston there was railroad communication with Portland in Maine and with Albany in New York.

The Boston and Albany road had just been opened and at seven o'clock one morning in December, 1841, the first through train left Boston. Many stops were made along the way, and two hours and a half were spent at a collation at Springfield; but despite these delays the party of invited guests reached Albany at half past seven in the evening.

Now, it was said, there is a chance to get western trade

* Ground was broken for both roads on August 2, 1842.

such as Boston has never before enjoyed. Candles, it was remarked, made at Bedford on a Monday morning were burning at Albany the following evening. Salt made at Syracuse and wheat threshed and ground into flour at Rochester on that same Monday morning were made into bread and eaten on Thursday at the United States Hotel in Boston.* When summer came the Boston and Albany management declared its intention to run cars built like a refrigerator between Boston and Albany in twelve hours. They are, it was said, to carry fresh provisions of all kinds. Michigan may then send her wild game to Boston and get fresh cod in return.†

New York City merchants, alarmed at the prospect of loss of western trade, began to clamor for the finishing of the Erie Railway. Ward meetings were held, subscriptions to the stock were freely made, and the citizens urged to raise a million dollars.‡ Communication with Albany had been sadly neglected. During that part of the year when the Hudson was free from ice and the roads were good, the river steamboats and the Red Bird line of coaches were ample for the carriage of passengers and goods. But when winter came the perils of travel through the highlands were greater, said the Albany *Journal,* than those of a voyage to Europe and back. The opening of the Boston and Albany, however, gave a safer, though longer, route to New York. The traveller had a choice of three routes. He might after crossing the ferry to Greenbush leave that town at six-forty-five on Monday, Wednesday, or Friday morning, go by rail to Worcester, take the train boat to Norwich and reach New York "early next morning." He might leave Greenbush at six-forty-five in the morning, go by rail to Springfield, take the stage at half past twelve, reach Hartford at four in the afternoon and New Haven at seven, spend the night there, leave by boat at eight o'clock the next morning, and reach New York at two in the afternoon. He might leave Greenbush any week day at five in the morning by the New York and Housatonic

* National Intelligencer, January 3, 1842.

† Pennsylvanian, June 8, 1842.

‡ National Intelligencer, January 22, 1842.

Railroad, reach Bridgeport at two in the afternoon, and take boat in the evening for New York.*

Betterment of the means of travel made possible an institution of great public utility, the package express. The founder of the express business in our country was William Francis Harnden. At one time a conductor, at another a ticket master on the Boston and Worcester Railroad, he had seen the need of an agency for the collection, in each of these cities, of bills and drafts, and the carriage and delivery of packages of bank-notes, valuable papers, and small parcels of goods. Convinced that there was a still greater need for such a travelling agency between New York and Boston, Harnden, in February, 1839, announced, in a Boston newspaper, his intention to establish an express. Merchants, brokers, and business men were informed that he had arranged with the Providence Railroad and New York steamboat company to run a car between Boston and New York each way daily, except Sunday. All small packages and bundles, sealed letters excepted, intrusted to his care would be safely delivered as directed. Responsible agents would accompany the cars, purchase goods, collect drafts, notes, and bills, execute orders, and transact all business intrusted to their care. He would also forward packages to Philadelphia, Baltimore, and Washington, to Albany and Troy, and as far east as Bangor.

The daily car each way and the responsible agents were, for a time, purely imaginary; for, when Harnden made his first trip to New York, March fourth, 1839, an ordinary carpet bag served to hold all he had to carry. His judgment, however, proved to be sound and business came to him so rapidly that in 1840 Mr. Dexter Bingham, Jr., was taken as a partner and Harnden & Company's Express was founded. Mr. Bingham went at once to Europe to open agencies, and arrange with the ship-owners for the transportation of emigrants to America by express and at cheap rates. Like arrangements were made with the Erie Canal management to carry them to Buffalo and Erie, and by 1844 many thousand immigrants had come over in this manner. By 1841 the business was extended to Philadelphia and Albany, and soon to

* Albany Journal, March 18, 1843.

Baltimore. Success, meantime, brought a rival into the field, and in 1840 Alvin Adams, a native of Andover, Vermont, likewise began a package express between Boston and New York, and with Ephraim Farnsworth established Adams & Company's Express. Once started, the business grew so rapidly that by the close of 1843 it was possible to send packages by express from Boston as far west as St. Louis and as far south as New Orleans,* and by means of steamships across the ocean to Liverpool.

Betterment of the means of transportation brought little improvement in the postal service. Mails, it is true, were carried with greater speed, but the rates of postage were as high as ever. Postage on a single letter, by which was meant a letter written on one sheet of paper, going from New York to Brooklyn or Newark or to any other place less than thirty miles distant, was six cents. The merchant who, at New York, wrote to a correspondent in any place from thirty to eighty miles away paid ten cents on each single letter, or that sum was collected from the recipient. If such a letter, directed to some one in Philadelphia or any town from eighty to one hundred and fifty miles distant, were mailed in New York, the postage was twelve and a half cents; if to some one in Boston, eighteen and three-quarter cents; if to some one in Pittsburg or Cincinnati or any place four hundred miles or more from New York, the postage was twenty-five cents. Letters consisting of two, three, or four sheets of paper were called double, triple, and quadruple letters and charged two, three, and four times these rates. A letter weighing one ounce may now be sent to the Philippines or Great Britain for two cents; to send such a letter from New York to Buffalo in 1842 would have cost one dollar.

From a report made by the Postmaster-General to a committee of the House of Representatives in 1838 it appears that it was optional with him to allow pamphlets, magazines, and periodicals to go by mail. Such as enjoyed this privilege were charged a cent and a half a sheet for any distance under one hundred miles, and two and a half cents per sheet when car-

* Adams & Co.'s advertisement in Philadelphia Ledger, January 2, 1844; also in Illinois State Register, September 20, 1844.

ried a greater distance. The number of sheets in each pamphlet or magazine must be plainly written in ink on the outside.*

Each publisher of a newspaper was allowed to receive, free of postage, one copy of every newspaper published in the United States. This rule was adopted at a time when there were not, in our country, one hundred and fifty newspapers. Now that there were some fifteen hundred, and some publishers exchanged with as many as six hundred, the Postmaster-General held that the privilege was an abuse of the mails. Not one hundred of the exchanges, he said, were of any use. On the express mail routes all news of importance was printed on two-column slips or cut from the newspapers. Editors were thus enabled to get all news of use to them without receiving a huge newspaper consisting of ten or eighteen columns on a side. He thought, therefore, that large sheets going beyond the hundred-mile limit should pay the cost of carriage, as three-fourths of them were filled with matter "of no utility to the distant reader." If the department were required to carry useless matter of this sort those who sent or received it should pay the cost.

So many changes had of late years been made in the manufacture of paper, that names used in the law to designate particular sizes had ceased to be descriptive. Weight of the pamphlet, or size in square inches of the sheet, was a better basis for postage than number of sheets. Thus, the *Eastern Argus* weighed 0.66 of an ounce and was charged a cent and a half postage. At letter rates it would be charged fifty cents; the Richmond *Enquirer* one dollar; the New York *Courier and Enquirer* one dollar and seventy-five cents; and the *North American Review* then carried for twenty-five cents would, at letter rates, have been charged sixteen dollars a copy! Had the newspapers and periodicals, carried as mail, paid letter postage in 1837, the revenue would have been twenty-five million dollars instead of four millions. Had the letters paid newspaper postage the revenue would not have been one million. The Postmaster-General, therefore, was in favor

* Reports of Committees, 25th Congress, 2d Session, vol. iv, Report No. 909.

of increasing postage on newspapers and pamphlets and opposed to any reduction on letters.

The people, on the other hand, complained bitterly of letter rates and of the requirement that postage must be paid in specie which, in the country districts and small inland towns, could scarcely be obtained. That the rates are too high, it was said, must be apparent to anybody who is aware that the postage on a quarter of an ounce of paper going from Boston to Albany by the Western railroad is two-thirds as much as the road charges for carrying a barrel of flour the same distance. Nay more, Harnden & Company would carry between New York and Boston, if the law allowed, all the letters that went by mail for one-tenth the price charged by the Government. But the Government will neither carry our letters at a fair rate nor allow private parties to do so. Hence postage is evaded in every possible way. Merchants club together, make up packages of letters and send them by private hand. A traveller from New York to Boston will often carry one hundred letters, and willingly, for he feels that he is helping his neighbors to evade an outrageously oppressive tax. Great numbers are enclosed in packages of goods and sent by express without the knowledge of the carrier. Many a merchant will send his boy to the railroad station with a package of letters, and valuable ones, to be handed to some traveller with the request to carry them, a request always cheerfully granted. Letters were written on the margins of newspapers, or enclosed in them. Mill girls and factory hands corresponded with friends at home, or people in the East with relatives in the West, by underscoring words in the column of a newspaper, or by pricking holes under letters which, when put together, would form the words of a long communication. So common was this practice that in 1841 the Postmaster-General made it the subject of a department circular addressed to all postmasters. Attempts to evade the law and defraud the revenue by writing on the wrappers of newspapers, magazines, and pamphlets, enclosing memoranda, underscoring, dotting, pricking words or letters, forced him, he said, to issue the circular. Hereafter newspapers and pamphlets which had reached their destination must be stripped

of wrappers and examined, and such as were marked were to be charged with letter postage.* In his annual report he cites these devices for evading postage as one of the four causes of the deficit in his department. The others were the abuse of the franking privilege, the carriage of letters by citizens travelling on railways and steamboats; and the recent establishment upon the great mail routes of private expresses.

Adams & Company, Harnden & Company, Pomeroy & Company were for a time the chief offenders. What were called Letter Mail Companies, however, soon sprang up and for six cents would carry a letter any distance that could be traversed by railroad and steamboat, and deliver it to the person to whom it was addressed. For six cents additional the letter would be delivered anywhere within a radius of thirty miles around any of the chief cities on the route. Competition of this sort made so serious an inroad on the revenue of the post-office that the Postmaster-General began to collect evidence on which to base a prosecution of the offenders.

From all parts of the country meantime came petitions to Congress† asking that rates of postage be cut down and made to conform to the coins of the United States. It was unreasonable that while a barrel of flour could be sent from New York to Boston, Newburyport, or Portland by freight for ten or twelve cents, postage on a letter from New York to Boston or Portland should be eighteen and three-quarter cents. And what other nation on the face of the earth, it was said, regulates postage in other currency than its own? In the United States only two rates, that between thirty and eighty miles which is ten cents, and that over four hundred miles which is twenty-five cents, can be paid in American coin. All others must be paid in Spanish coin—old, worn, sweated, punched, and shaved.‡

In response to the petitions of the people what was known as the Merrick bill was introduced in the Senate in June,

* National Intelligencer, December 25, 1841.

† Journal of the House of Representatives, 27th Congress, 2d Session, 1841–1842; also Journal of the Senate.

‡ Philadelphia Ledger, August 8, 1842.

1842.* Rates of postage on a single letter were to be five, ten, fifteen, twenty, or twenty-five cents, according to the distance carried;† private letter companies were prohibited, and no stage-coach, railroad car, steamboat, packet-boat, or other vehicle plying between places where there was mail service should carry letters, packets, or other mailable matter under penalty of a fine of twenty dollars. All this was generally approved of; but the provisions touching newspapers were hotly attacked. Newspapers were no longer to be sent from place to place save in the mail, and must be charged letter postage unless they came from the office of the publisher.

Thousands of penny newspapers were taken each week-day by coach, railroad car, and steamboat from Boston, New York, Philadelphia, and Baltimore to near-by towns and villages and there hawked by boys. Should the bill pass, it was said, there will be an end to this circulation, and, what is nearly as bad, no man who subscribed for a newspaper can afford to send a copy to a friend.‡ The purpose of this restriction was to break up the practice of corresponding by underscoring, pricking, or in some way marking words or letters in the newspapers. Despite bitter opposition, the bill passed in the Senate; in the House it never came to a vote.

A call by the Senate for a plan by which rates of postage could be made to conform to Federal currency without a loss of revenue to the department brought from the Postmaster-General a suggestion that the rates be five, ten, fifteen, twenty, and twenty-five cents.§ But he would not approve such a plan unless the abuse of the franking privilege was checked. Upward of three million letters and packages passed free under franks each year. As each piece would, on the average, have been charged with fifteen cents, the department lost four hundred and fifty thousand dollars. This, however, was not all, for postmasters were paid two cents for each piece of free mail matter they handled and sixty thousand dollars

* Journal of the Senate, June 9, 1842, p. 383.

† From 0–30 miles, 5 cents; 30–150 miles, 10 cents; 150–300 miles, 15 cents; 300–500 miles, 20 cents; over 500 miles, 25 cents.

‡ Philadelphia Ledger, August 2, 1842.

§ Journal of the Senate, 27th Congress, 2d Session, p. 509, July 27, 1842.

were thereby taken out of the Treasury over and above the cost of transportation.*

The postmaster at Washington declared that during three weeks in 1841 the number of letters franked by members of Congress was twenty thousand three hundred and ninety-two, and the number franked by the post-office department twenty-two thousand and thirty-eight, and the number of franked documents and packets over three hundred and nine-two thousand. Not only did Congressmen frank their own letters, but they franked for their friends. A man in the West would write to a friend in Boston and enclose the note in a letter to the Congressman from his district with the request to forward it to Boston. This made a double letter and called for fifty cents postage, but it was addressed to a member of Congress, and went free. The member would enclose it to the person to whom it was addressed, thus making another double letter which likewise went free.

Whether this source of deficit should continue was for Congress to decide. But whether another source, the carriage of letters by private express, should continue the Postmaster-General believed was for him to determine. He decided, therefore, to enforce what he believed to be the law. One evening in December, 1842, accordingly, as the steamboat *New Haven* was about to leave New York, detectives were sent to watch the agent of Adams & Company's Express. He was seen to receive several packages of letters and three dollars as payment for their delivery in Boston. These facts were reported to the Attorney-General, and, acting under his orders, suit was brought in the United States District Court.

On the part of the Government it was claimed that the defendants violated the postal laws in three ways: by carrying letters enclosed in packages of merchandise; by carrying parcels of money accompanied by letters of advice; and by carrying in December, 1842, a bundle of letters for which their agent, one Stevens, had received pay. Witnesses were introduced and testified that they had received letters enclosed in packages delivered to them by messengers of Adams & Company, that they had received letters not enclosed in packages,

* Report of the Postmaster-General, Niles's Register, December 17, 1842, p. 253.

that they had paid for such to the boys who brought them and that they were endorsed "Adams & Company's Express." Furthermore, in December, 1842, one Stevens, an agent of the express company, had been seen to receive letters just before the steamboat *New Haven* left New York for Boston, that he had been paid to take them and had carried them to Boston.

These acts, it was contended, made the owners of the steamboat liable under the law of 1825 which forbade any stage-coach or vessel to carry letters out of the mail on any post-road, or water, declared to be a post-road; made Adams & Company guilty of procuring, advising, and assisting in the perpetration by the vessel of the act forbidden, and under the act of 1827 made Adams & Company guilty of setting up a horse and foot post, contrary to law. The judge charged that there was no law forbidding individuals carrying letters on post routes on their persons, or in their trunks, or in packages; that the act of 1825 was intended to stop the notorious practices of steamboat, packet, and stage-coach companies keeping letter boxes for the receipt of letters to be carried out of the mail from port to port; and that it was not shown that the defendants had set up a horse and foot post. The jury acquitted the defendants "because they believe there is no law to convict them." *

The postal system had by this time become unbearable. A meeting at the Merchants Exchange, in New York, to consider the best way to secure cheap postage declared the demand for it was universal. The Philadelphia *Ledger* demanded that Congress reduce the rates of postage and allow newspapers to be carried in, or out, of the mail as the publishers should elect. Till the rates were put down to a point at which it was no longer profitable for private parties to carry letters it was impossible to stop such carriage. If the postage between New York and Philadelphia were two cents for a single letter, who would employ the express companies? Would a merchant who had a dozen letters waste time taking them to the express office concealed as a package? Let the rates be one cent for a drop letter and two cents for a letter going any

* District-Attorney Hoffman to the Postmaster-General, Senate Document No. 1, 28th Congress, 1st Session, vol. i, pp. 619–624.

distance up to five hundred miles, and five cents beyond that limit, and the troubles of the Postmaster-General would be over.*

The proprietor of the North Carolina *Independent*, having printed some ball tickets and a hundred copies of By-Laws for the Masonic Lodge at Nashville, North Carolina, attempted to send them by stage; but the agent refused to put the package on the way-bill. The contents, he held, were mail matter. On the tickets, which cost four dollars to print, the postage was six dollars, and on the one hundred pamphlets over half the cost of printing. "You may send salt," said the editor in relating his woes, "and iron and pork by stage, but printed matter—No! If so absurd a law were in force in any foreign land we should soon have our newspapers crying out "'Despotic regulation of the mail in Turkey.'"

The general demand of the people for cheap postage was more apparent than ever when Congress met in December. Memorials and petitions from State legislatures and towns over all the country came in by dozens.

Kentucky declared that the present exorbitant rates of postage had resulted in a practical closure of the mails to a large part of the people.† New York believed that the high rates were a burden to the people, prevented the use of the mails as a medium of communication, and encouraged their carriage in defiance of the law; that the franking privilege was unequal and unjust, loaded the mails with useless matter and increased the cost of transportation, and that if continued, should be paid for out of the general treasury like other expenses of Government.‡ Alabama urged that rates of postage be made to conform to the coin of the United States and that, instead of six and a quarter, twelve and a half, eighteen and three-quarter cents, they be five, ten, and fifteen cents.§ The petition from Illinois likewise complained of the high rates of letter postage. Illinois was a young State, her citizens were widely separated from their early friends and found the rates of postage so burdensome as to

* Philadelphia Public Ledger, November 23, 1843.

† Executive Documents, 28th Congress, 1st Session, No. 147, vol. iv.

‡ Ibid., No. 90. § Ibid., No. 193, vol. v.

cause practically a disuse of the mails. Those who enjoyed the benefit of the franking privilege, those whose ample means put them above the consideration of small expenses, those whose letters went but a short distance and were subject to the lowest rates, might find little to complain of in the present arrangement. Not so the people of Illinois. It was no uncommon thing in every town for letters to be inquired for at the post-office and to be seen by persons to whom they were directed and then sent to the dead-letter office because the money to pay the postage could not be raised. This was an outrage on our humble citizens. To establish an institution for the good of the public and then limit its benefits to the few while the great mass of the people were cut off by poverty from its use, was not only an absurdity, but a high-handed abuse. Calculations made in England proved conclusively that one thirty-sixth of a penny was enough to pay the cost of carrying a letter weighing a quarter of an ounce from London to Edinburgh, a distance of four hundred miles. In that country, therefore, a penny post had been established and letters were carried for a penny between any post-offices in the United Kingdom. Surely the same could be done for a cent between any post-offices in the United States. Was it unreasonable, then, to ask that the uniform charge on each letter, irrespective of distance, should be a half dime?

The custom of prying into letters by postmasters and their clerks was another grievance. How unworthy of a great nation to require its servants to tear open the wrapper of a suspected newspaper in order to see that the Treasury was not robbed of its due by the important piece of information that somebody's "friends are well!" A reduction of postage to five cents a letter would destroy the odium of exorbitant Government monopoly now attached to the post-office, would return tenfold the cost of carriage, would lead to a more general use of the mails, would open them to a large and deserving portion of the public now cruelly and unjustly shut out, and would greatly facilitate commercial arrangements. Sealed packages should pay according to weight and not, as at present, according to the number of enclosures.*

* Executive Documents, 28th Congress, 2d Session, No. 167, vol. iv.

The Postmaster-General did not think so. The plain intent of all legislation on the post-office department was, he claimed, that its outlay should be within its income. This was sound and safe and he was not in favor of any other policy. To fit the mail service to the needs of the people and at the same time get enough revenue to meet all expenses was not an easy task. The gross income of the United States Post-Office for 1843 was about four million two hundred and ninety-six thousand dollars. The gross outlay was four million three hundred and seventy-four thousand, leaving a deficit of seventy-nine thousand dollars. This deficit was due to the many private posts which, under the name of express companies, had sprung up in recent years and spread over the mail routes between the chief cities and towns through which the railroads passed and at which the steamboat routes ended. Convinced that such carriage of letters outside the mail was unlawful, suits had been begun in the United States Courts, and in the case of Adams & Company the defendants had been acquitted. Unless Congress legislated further on this matter it was certain that the evil would increase and the revenue of the department be still more cut down. Private expresses might well afford to carry letters and packets between New York and Boston, or New York and Buffalo, or Philadelphia and Baltimore for six cents. But would the same expresses penetrate the savannas and swamps of the South, would they penetrate the wilds of the West, would they, for twenty-five cents, bring letters daily or weekly to the doors of the planter and the husbandman? If the great thoroughfares between the commercial cities were given over to private posts, the distant towns must suffer, or the cost of reaching them must come from the public Treasury. The Postmaster, in view of these facts, was in favor of some restriction on the franking privilege, of maintaining the present rates, and of legislation to stop the carriage of letters out of the mail by private expresses or mail-letter companies.*

A bill lowering the rates to three, five, ten, and fifteen cents passed the Senate, but not the House. The majority of the Committee on the Post-Office and Post-Roads was in

* Senate Documents, 28th Congress, 1st Session, vol. i, pp. 593–605.

favor of no changes in rates, and recommended that the franking privilege be curtailed and the carriage of letters by express companies absolutely forbidden. The minority recommended that the franking privilege be totally abolished and the rates of postage so reduced that it would cease to be profitable for private companies to carry letters.*

In another report the whole matter of private posts was passed in review.† Certain persons, it was stated, "prompted by a sordid feeling of selfishness and avarice," were openly and wantonly defying the law, and actually had the impudence to declare that the Government had no authority to restrain or punish them; that the power to establish post-offices and post-roads delegated to Congress was not exclusive, but might be exercised either by the States or by private individuals. The committee was unanimously of the opinion that the Government ought to interpose its strong arm to put down such lawless acts. This had already been done, and a war between the Postmaster-General and the private letter companies was under way. The decision of the District Court at New York had been quickly followed by the organization of the American Letter Mail Company by Lysander Spooner.‡ The company had offices at Baltimore, Philadelphia, New York, and elsewhere, provided stamps to be purchased and affixed to letters which could then be sent to any of its offices, and had agents who travelled as passengers on the railroads and steamboats and carried the letters in hand bags. Messengers in the cities and towns along its route delivered the letters to those to whom they were addressed. The Postmaster-General began by threatening to take the mails from the railroads unless they refused passage to private letter carriers and a test case was made. A travelling agent of the American Letter Company was prevented from boarding a train at Baltimore.§ The President of the Philadelphia, Wilmington, and Baltimore Railroad then explained

* Reports of Committees, 28th Congress, 1st Session, No. 483. The majority report is No. 477.

† Ibid., 2d Session, Report No. 228, February 28, 1844.

‡ Niles's Register, January 20, 1844, p. 336. § Globe, February 19, 1844.

in a card that his company was bound by contract not to transport persons carrying letters contrary to law,* and suit was brought against the agent of the Letter Company for violating the postal law.† He was found guilty of assisting in conveying letters by a vehicle called a railroad car, owned by the Philadelphia, Wilmington, and Baltimore Railroad, over a post-road of the United States and fined.‡ Meantime a civil process was issued against the New York agent of the American Letter Mail Company and he was held for trial for carrying thirty letters in a valise and six packages containing letters, and for setting up a foot-post.§

When a like case was tried before the United States District Court at Boston, Judge Sprague told the jury that if a passenger in a car or steamboat carried a letter without the knowledge of the owner of the car or steamboat, such owner was not liable under the law; and that setting up a post by railroad or steamboat was not setting up a foot-post within the meaning of the act of 1827. A verdict of not guilty was returned, and when the case was carried to the United States Circuit Court Judge Story sustained the decision of the lower Court. He doubted, he said, the right of the United States to monopolize the carriage of letters. Under the decision of Judge Sprague the American Letter Mail Company at once resumed business.

The postal authorities, however, were not discouraged, and a Mr. Brainard, of the Periodical Depot in Boston, was arrested for setting up a foot-post. His business was to deliver letters in the city. This was claimed to be a violation of the law because the streets, alleys, lanes, doorsteps, entry ways, and backdoor ways over which he carried letters were post routes. A Mr. Hale, proprietor of a private mail in New York City, was likewise arrested, as was an agent of Pomeroy & Company. This latter case was tried in Utica, and resulted in the acquittal of the defendant. Judge Conklin took the same ground as Judge Sprague and Justice Story.

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* Philadelphia Ledger, February 28, 1844.

† Ibid., March 12, 1844.

‡ Niles's Register, July 6, 1844. Philadelphia Ledger, June 18–21, 1844.

§ Philadelphia Ledger, March 16, 1844.

In consequence of these three decisions, said the Pittsfield *Sun,* persons in several parts of the country have opened offices for the transmission of letters along the chief lines of communication. Such an office has lately been opened in this town and clergymen, doctors, lawyers, moralists buy stamps and join in the conspiracy to plunder the Government. At Lockport, New York, the people felt that the Government was plundering them, and at a public meeting called to consider the meddling of the Post-Office Department with the express companies for carrying letters resolved, that they would send all the letters they could by express; that they would ask correspondents to do the same; that they would not take letters from the post-office if sent from places reached by express unless they had good reason to believe they would suffer by not doing so.*

Thus beset by the States, the courts, and the people, Congress yielded, and in March, 1845, passed an act reducing the rates of postage. On and after July first letters not over half an ounce in weight might go any distance under three hundred miles for five cents. Over that limit the postage was to be ten cents, and for each additional half ounce or fraction thereof an extra postage. On letters dropped in a post-office for delivery in the same place the postage was to be two cents.

Newspapers might be sent free by the publishers a distance of thirty miles from the place of publication. For greater distances the old rates were retained. Printed circulars on letter paper were to be charged two cents for all distances. Pamphlets and magazines were to pay two and a half cents per copy for the first ounce and a cent for each additional ounce; but no copy weighing over eight ounces was mailable. No bound book, large or small, could be sent by mail. Private expresses were forbidden.

The law was a wise and beneficent measure. But those who thought it was not, at once began to grumble. There will be an annual deficit, such was the argument, of a million and a half dollars. Here is an additional tax to be paid out of the pockets of the farmers who write few letters and are little the better for low rates of postage. Hereafter they will pay

* Philadelphia Ledger, August 10, 1844.

more tariff duties on articles they use.* Some of those so strenuous for cheap postage are not so disinterested as they seem. They seek to pay their postage out of other people's pockets. Look at this matter. I, for instance, am an industrious mechanic with little time to write letters. My neighbor publishes school-books and sends off letters and puffs by the thousand. Shall I help pay the cost of his postage? If he is making money by sending letters through the post-office he should pay the whole cost of carrying those letters. I ought not to pay any part of it in the way of duty on sugar. Is not that fair? But this will not be the case if the post-office does not support itself.†

As for this matter of cheap postage there are not one thousand thoughtful people in the whole Union who wish for anything of the kind. The commercial and mercantile men have not asked for it, and the planters of the South, the corn and wheat growers of the West, the mechanics and workingmen of the East are not inclined to be taxed to support a post-office department in the interest of sharpers and speculators.‡ The eastern papers say the law will work well. To be sure it will work well for those who pay postage; but as to revenue, it will not begin to yield as much as even the opponents of reduction supposed. The first week in Cincinnati under the new law does not show more than a quarter the old receipts.§ During the last thirteen days of June the postage on letters carried by steamboat between New York and Albany was ninety-nine dollars and sixty-six cents. During the first thirteen days of July under the new law it was fifty-three dollars and ninety cents, a decrease of over forty-five dollars.‖

The friends of the bill expected much, but the results far surpassed their most ardent expectations. At the end of a year the deficit was five hundred and ninety-seven thousand dollars; at the end of the second year it was twenty-five thousand dollars, and when the rates had been four years in operation, there was a surplus of two hundred and twenty-six thousand dollars. Much of this was due to a wise reduc-

* New Hampshire Patriot. † Philadelphia North American.
‡ Madisonian. § Cleveland Herald. ‖ Albany Argus.

tion of expenses, but business had grown so rapidly that in 1849 sixty-two million letters passed through the mail.

In one respect the working of the act of 1845 was disappointing: it did not put an end to private mail expresses. They met the reduction in postage, carried letters at half the post-office rate, and did as large a business as ever. Indeed, they even used the mails for that business. By means of a thin light paper especially made for the purpose, five or six letters could be written and put in one cover and still weigh under the half ounce. A hundred such letters, on which the postage, if carried separately, from Boston to Washington would have been ten dollars, would be enveloped and sealed as one bundle of letters, and mailed in Boston addressed to the agent in Washington with postage by the half ounce prepaid. The Washington agent would deliver the hundred letters to as many individuals for half the regular postage and earn a handsome profit.

The act of March, 1845, expressly provided that newspapers, pamphlets, and magazines might be sent over a mail route outside of the mail. But the Postmaster-General construed the law to mean that newspapers, pamphlets, magazines, and periodicals so sent must not be for distribution among subscribers. They must be for sale as merchandise, and carried as merchandise to a *bona-fide* dealer or agent for their sale.* This ruling brought down on him the wrath of the penny newspapers in particular, and of the country newspapers in general. In consequence of this circular, said the New Hampshire *Patriot,* the stagemen very properly refused to take newspapers issued from the offices in this town. One-half of the Concord papers had, therefore, either to be sent by mail or left behind. Most of those heretofore distributed by the drivers were handed to people who live along the stage routes, but not near a post-office. Such persons will now be prevented from taking a newspaper to the injury, if not ruin, of the country editors. We, said the Boston *Chronicle,* have lost thirteen subscribers near Concord, two in Henniker, and two in Salisbury because we are forced to send our papers by mail.

* Circular of June 30, 1845.

On the penny papers the ruling fell with especial severity, for, made up in large bundles, they were carried by stage-coach, railroad, and steamboat, to the chief towns within thirty miles of the places of their publication and hawked about the streets by boys.

The rise of the penny newspaper was of recent origin. Newspapers in the good old times were supplied to subscribers, were not sold for cash, were not hawked on the streets by boys, and cost at least eight dollars a year, a price which put them beyond the reach of the laboring man. The new journals, one or two of which were now to be found in Boston, New York, Philadelphia, and Baltimore, were sold by the publisher, for cash, for two-thirds of a cent per copy to boys who hawked them on the streets at a cent a copy, or to carriers who went over well-defined routes and on Saturdays collected six cents from each patron. Great numbers, said a writer in one of the six penny journals, are in this way scattered broadcast. Nothing is more common in New York than to see a carman poring over a penny newspaper while his horses are feeding, or he awaiting a load. Scarcely a laborer but has a copy in his hands. Edited with spirit and talent, nothing is wanting to their salutary influence but a little more decency and a great deal more honesty. The great objection to them is their licentiousness and the strange, ultra-principles they often propagate. Too many deal much too liberally in personal attacks on private citizens. The contest as to which shall publish the news first is so keen that no pains are taken to ascertain the truth. Some, in their eagerness to get news before their rivals, maintain expresses between different points, and in New York keep swift boats which cruise to Sandy Hook that reporters may board incoming vessels.*

This attack on the penny press was called forth by some remarks of Mr. Botts in the House of Representatives. During the debate on the General Appropriation bill, the item for incidental expenses of the Department of State, including the publication of the laws being under discussion, Mr. Botts called attention to the amount of advertising which had been

* Globe, March 11, 1842.

given to the penny papers which, he said, "had little or no circulation beyond the limits of the city where they were published.* His statement was promptly denied by the penny papers and was as vigorously upheld by the sixpennies. It was claimed that the penny paper had no regular circulation, that its readers one day were not its readers the next, that a storm in the city destroyed much of the circulation, and that a stoppage of the mail made it fall dead on the hands of the newsmen. To this it was answered that every penny newspaper had a very regular circulation. Take, it was said, the New York *Sun*. The daily circulation of that newspaper in New York, Brooklyn, and Jersey City is not less than thirty thousand copies, and in Albany and places reached by steamboat and railroad in from six to nine hours, some five thousand more. To this must be added the circulation of its weekly issue, at least five thousand. In one week, therefore, two hundred and fifteen thousand copies of the *Sun* find their way into the hands of readers, and at three readers for each paper, six hundred and forty-five thousand persons read the *Sun* each week.† The penny papers are to be found in all hotels and reading-rooms in the cities, and in all the taverns in the country where city papers are taken for the use of guests. The aggregate daily circulation of the Boston *Times*, the New York *Sun*, the Philadelphia *Ledger*, and the Baltimore *Sun*, is ninety-six thousand copies, and as each is read by at least three persons, the number of daily readers of the penny press in our four great cities is two hundred and eighty-eight thousand. The boys who cried them in the streets and before the hotels and depots undoubtedly supplied strangers and transient visitors. But this was a small part of the circulation. Every city

* Congressional Globe, 27th Congress, 2d Session, p. 280.

† The first successful penny newspaper in the United States was the New York Sun, the first number of which was issued September 8, 1833. During 1834–35 the Man, a penny daily in the interests of workingmen, was published in New York. In 1835 the New York Herald started as a penny paper, but soon increased its price. In 1836, March 25, the Philadelphia Ledger appeared as a penny paper; May 10, 1836, the Baltimore Daily Transcript, and on May 17, 1837, the Baltimore Sun. In 1841 the New York Tribune began as a penny paper, but later increased its price. In 1842 the Baltimore Daily Whig and the National Forum in Philadelphia were started as penny newspapers to support Clay.

where a penny paper existed, was divided into routes. Each route was given to a carrier to be his exclusive property so long as he did justice to customers and the newspaper, and each carrier canvassed his route for patrons. Each morning he bought for cash the number of papers he needed at the rate of sixty-six and two-third's cents per hundred, and on Saturday night collected from each patron six cents for the six papers delivered during the week. A carrier with fifteen hundred patrons would then make a profit of one thousand five hundred and sixty dollars annually. And many had done so, and owned houses, or groceries, or confectionery shops, as the result of the regular circulation of the *Ledger* and their own thrifty habits.

The hawking of the newsboys, the crying in the streets, the way the penny sheet is thrust on passengers at the depots, it was said, would lead a stranger to suppose it was the only newspaper in the city. But if he should take notice of the huge mails in the same train of cars with him, he would see that the world looked to the great newspapers for information. Away from the few large cities, in the real country, in the home of the farmer and the shop of the village trader, the penny paper was not to be found.

The mails, it was said, in reply, were indeed loaded with newspapers, but they are the penny *Times, Sun,* and *Ledger,* not the sixpenny partisans. Each of the four great penny dailies issued a weekly newspaper containing all that had been published in the six daily papers of the week. The Boston *Times* had the Boston *Notion,* the New York *Sun* the *Weekly Sun,* the Philadelphia *Ledger* the *United States,* and the Baltimore *Sun* the *Weekly Sun.** They were large papers and so widely circulated that the Postmaster-General had complained of the burden they imposed on the mails.

* "There is a project to introduce copper coin into New Orleans, and also a new coin of silver and copper worth three cents. They have cash newspapers in New Orleans, but they sell for a picayune, or six and a quarter cents, the smallest coin in circulation. For want of a smaller medium the penny press, which has wrought such a revolution in manners and morals and intelligence in all the Atlantic cities, is not known in New Orleans. With the new coin intelligence will go to the poorest. Instead of paying the price of a beefsteak for his newspapers, the poor man will have his newspaper and his beefsteak."—Philadelphia Ledger, November 9, 1842.

The penny press, it was said, can have no moral power. To keep up its circulation it must be all things to all men, and in its attempt at neutrality, must lean to each party as circumstances require. Acting with no body of men, helping no cause, no party could rely on it, no administration could depend on it for support. The penny press, it was answered, is not neutral, it is independent, it defends the right and attacks the wrong without respect to men, cliques, sets, or parties. Accomplish no purpose? It has brought about more reforms in six years than the party press in twenty. What rid Philadelphia of mobs? What, indeed, but the penny press, the only press that dared oppose them! What exposed the infamous monopolies of banks, and speculators in flour and beef? What started the attack on our swindling currency system? The penny press. Whoever saw in a sixpenny paper a discussion of abstract principles of morals; of politics separated from all partisan considerations; an editorial on surgery, medicine, or chemistry, or, save in the *Evening Post* or *Pennsylvanian,* a book review unless it was a malignant attack on the author? No better instruments for the diffusion of news and information among the people exists.

While this debate over the merits of the penny newspaper as a spreader of news and information was under way, Samuel F. B. Morse was about to give a public exhibition at New York of another instrument for the diffusion of intelligence, the magnetic telegraph.

Samuel Finley Breese Morse, the son of Elizabeth Breese and the Rev. Jedediah Morse, still remembered as the author of the American Geography, was born at Charlestown, Massachusetts, in 1791. He studied at Phillips Academy, Andover, graduated from Yale with the class of 1807, and chose art for a profession and went to London to study. Encouraged by Allston, Copley, and, above all, by West, he made good progress, won a gold medal offered by the Society of Arts, and in 1815 returned to Boston. Unable to secure any orders there, Morse travelled over New Hampshire and Vermont painting portraits in Walpole, Hanover, Windsor, Portsmouth, and Concord, spent several years in Charleston, South Carolina, settled in New York, and there in 1826

founded the National Academy of Design. In 1829 he went a second time to Europe, and on his way home in 1832 worked out the plan of the electro-magnetic telegraph afterward known to all the world as Morse's. But Morse had been elected professor of the literature of the arts of design in the University of New York City, and, occupied by the duties of his chair, three years sped by before the first rude telegraphic instrument was constructed, and two more years passed and 1837 came before it was made really practical.

Now, it so happened that just at that time the subject of telegraphy was brought seriously to the attention of Congress by a memorial praying for the construction of a telegraph line from New York to New Orleans.* Semaphoric telegraphs had long been in use at Boston, New York, and Baltimore, for sending news of the arrival of ships as soon as they came in sight. The construction of a line of such stations was what the petitioners had in view. But the House thought best, before acting, to call on the Secretary of the Treasury to report "upon the propriety of establishing a system of telegraphs for the United States." The Secretary accordingly prepared a circular letter and sent it to officers in the revenue service, to Commodore Barron, Benjamin Silliman, and Samuel F. B. Morse. They were requested to give their opinions on the best system, the points of location for the stations, the proper distance between stations, the rapidity with which messages could be sent, and the possibility of using any system at night and in foggy weather.

Some of the replies were merely formal; others gave details of much interest. Captain Hunter, of the revenue service, at Baltimore, replied that on inquiry he found that by a well-managed telegraph news could be sent from New Orleans to Washington in one hour, or about ten minutes to the hundred miles. The most improved plan, he believed, was the semaphoric telegraph, invented by Sir Home Popham, of the British Navy, in 1816. Each station consisted of a mast sixty feet high with two or more arms near the top so moved by ropes as to make a complete revolution. These arms, in different positions, indicated numbers which, when

* Senate Document No. 107, 24th Congress, 2d Session, vol. ii.

adapted to words and sentences, conveyed the required information. The stations should be eight miles apart and would cost about three hundred dollars each. The distance from Boston to Washington would require fifty-six such stations which could be operated at an expense of eighteen thousand dollars a year.

Mr. Samuel Reid, of New York, replied that, in 1821, at the request of the merchants and underwriters he started to build a line of telegraph stations from Sandy Hook to the new Exchange. But it was never completed, as the Exchange Company showed no disposition to aid him. From experiments he found that by his system it was possible to send, orthographically, four hundred words an hour from one station to the next. Arbitrary signs or signals to represent certain words or phrases previously arranged would do well enough for short distances and for local and particular purposes. But the true system for general use was the orthographic method in which a telegraphic stenography was employed.

A committee of the Franklin Institute at Philadelphia reported through its chairman that the best system was that invented by Chappe and used in France since 1793. It consisted of three arms, one eight feet long and movable around its middle, and two four feet long, attached by their ends one to each end of the first and also movable. This telegraph could give one hundred distinct signals.

A simple form was that of M. Chateau, in course of erection between St. Petersburg and Warsaw. It consisted of a single arm nine feet long with a cross-piece at one end three feet long. The indicator was movable about its centre, into any of twelve positions, each of which expressed a number and one or several letters of the alphabet.*

*1	2	3	4	5	6	7	8	9	10	11	12
a	b	c	d	e	f	g	i	l	m	o	s
	p	k	t		v	j	y	r	n	u	z
	ph	q	th		w						sh
		ch			wh						x

If, said the committee, the signals were seen to read 4, 5 — 5, 10, 10, 5, 10, 8 — 1, 12 — 9, 1, 10, 4, 5, 4, — 1, 4, — 2, 1, 9, 4, 8, 10, 11, 9, 5 — 6, 8, 4, — 17,000 — 10, 5, 10, the message, taking the upper letters, would read, "De emmemi as landed at Baldimole fid 17,000 mem."

Another writer described the semaphoric telegraph; another a system in use in Italy. But the system destined to drive all these out of existence was roughly described in a letter from Morse. Five years ago, he told the Secretary of the Treasury, during a voyage home from Europe, the experiment by which Franklin sent a current of electricity through a wire seven miles long was recalled to mind in a conversation with a fellow-passenger. Instantly it occurred to him, "that if the presence of electricity could be made visible in any desired part of this circuit, it would not be difficult to construct a system of signs by which intelligence could be instantaneously transmitted." The thought took hold upon his mind and in the leisure of the voyage he "planned a system of signs and an apparatus to carry it into effect," and the result had realized his "most sanguine expectations." The merits of his system were such, he said, that the fullest and most precise information could be sent instantaneously between two or more points joined by a conductor; that news could be sent by day or by night and in fair weather or in foul; that the apparatus would occupy but four feet and could be placed in any house; that a record of the intelligence sent could be made in a permanent manner and in such form bound up for future reference; and that the messages were secret to all save the persons for whom intended. The wire conductor could be made fast to poles or, placed in iron tubes, could be embedded in the ground, and enclosed in lead tubes could be laid across the bed of a river. In another letter written a few weeks later Morse informed the Secretary that, assisted by Professor Gale and Mr. Alfred Vail, he had been able to send messages through ten miles of wire and that the marking on the register was perfect.*

In September of 1837 the instrument was exhibited at the University and hundreds of people were astounded and amused by the performance of what seemed to them to be the latest scientific toy. When winter came Morse, encouraged by the apparent interest of Congress in telegraphs, went on to Washington, explained his instrument to members of Congress, and so impressed the Committee on Commerce that it

* Executive Document No. 15, 25th Congress, 2d Session, vol. ii.

recommended an appropriation of thirty thousand dollars for experimenting with his telegraph and reported a bill for that purpose.* But the Treasury was in no condition to spare thirty thousand dollars to test the invention of any hare-brained inventor. The panic of 1837 had bankrupted the Government as well as the people. No money was appropriated and, after filing a caveat at the Patent-Office, Morse set off to try his luck in Europe. In England he was refused a patent. In France he fared but little better, and turning once more to his native land, wrote from Paris to the Secretary of the Treasury in 1838 and offered to construct a line for the Government at five hundred and twenty dollars a mile.† Nothing was done, and Congress heard no more from Morse till December of 1842. By the summer of 1842 Morse, with his assistants, had so far improved the telegraph that he determined to make one more effort to secure Government aid. Before going to Washington, however, at the request of the American Institute in New York City, an experiment in submarine telegraphy was made, and one night in October a wire, covered with hemp coated with tar, pitch, and India-rubber, was laid from Castle Garden to Governor's Island. On the following morning the New York *Herald* announced that between twelve and one o'clock that day a public exhibition of the invention destined to revolutionize the mode of transmitting intelligence would be given at the Castle. Unhappily for Morse, seven vessels had anchored just where his cable lay, and as the hour for the experiment approached one of them, in getting under way, pulled up his cable with her anchor. The sailors, at a loss to know what they had caught, dragged in a hundred feet or more, and finding no end, cut the cable, and the first attempt at submarine telegraphy ended in failure.‡ Later in that year messages were sent through a coil of wire ten miles long in the presence of a committee of the Franklin Institute at Philadelphia. When Congress met, wires were strung between two of the Committee rooms in the Capitol §

* Reports of Committees, No. 753, 25th Congress, 2d Session, vol. iii.

† Letter to the Secretary of the Treasury. Executive Documents, No. 58, 25th Congress, 3d Session, vol. iii.

‡ House Documents, No. 78, 28th Congress, 2d Session.

§ Philadelphia Ledger, December 28, 1842.

and messages constantly sent back and forth with such success that the Committee on Commerce reported a bill appropriating thirty thousand dollars to construct a line between Washington and Baltimore. Late in February, when the bill came into the House from the Committee of the Whole, Cave Johnson, of Tennessee, moved, in derision, that one-half the appropriation be given to a Mr. Fisk who was then exhibiting the wonders of mesmerism, in order to enable him to carry on his experiments. Houston thought Millerism should be included in the benefits of the appropriation. Stanly, of North Carolina, had no objection to an appropriation for mesmerism if the gentleman from Tennessee were the subject. The gentleman from Tennessee would be the subject, provided the gentleman from North Carolina was the operator.

The roars of laughter which greeted these flashes of wit having subsided, Mason, of Ohio, claimed that the amendment offered by Johnson was not in order because it was made in jest, but the chairman also must have his jest, held that "it would require a scientific analysis to determine how the magnetism of mesmerism was analogous to that to be employed in telegraphy," and put the amendment, which was good-naturedly rejected. Two days later a vote was forced by the previous question and the bill passed by eighty-nine yeas to eighty-three nays.

The biographers of Morse relate that at twilight on the last evening of the session the bill was the one hundred and twentieth on the calendar of the Senate; that it seemed impossible to reach it before the hour of adjournment; that Morse, who all day long had watched the progress of business from the gallery, went back to his hotel sad of heart; and that the next morning the daughter of the Commissioner of Patents brought him the joyful news that his bill had passed the Senate. It was, she said, the last but one acted on, and passed just five minutes before the expiration of the twenty-seventh Congress. The journal of the Senate tells a very different story. From that record it appears that the bill was passed early in the morning of March third,* was promptly laid before the President,† and that some hours before the

* Senate Journal, 27th Congress, 3d Session, p. 278. † Ibid., p. 295.

session ended it was reported to the Senate as having been signed by Tyler.

No time was lost in beginning the work of construction. Bids were invited for supplying lead pipe in which to enclose the wires. Ezra Cornell devised a plough for cutting a trench and laying the pipe;* the right of way alongside the track from Baltimore to Washington was granted by the railroad, and by December the pipes had been laid from the railroad station in Baltimore to the Relay House some nine miles away.† There all work was stopped by the impossibility of ploughing the frozen ground.‡

Meantime, tests made by Cornell proved the lead pipe a failure. When, therefore, work was resumed in the spring, the wires were strung on poles and in April, 1844, the line was finished from Washington to Bladensburg, some six miles distant.§ By May first it was within fifteen miles of Baltimore. On that day the Whig National Convention met at Baltimore, and when Clay was nominated by acclamation the news was sent by train to the end of the wire and telegraphed to the office in the basement of the Capitol, "an hour and a half before the cars got along with it."‖

The line was now hurried forward with such rapidity that before the close of May the railroad depot on Platt Street, Baltimore, was joined with the Supreme Court in Washington, and a party of gentlemen gathered at each end of the line to behold the wonders of telegraphy. Each man present in Baltimore was asked to send a message to any friend in Washington. Some sent their names and compliments. One asked, "What is the news in Washington?" and received the reply, "Van Buren stock is rising." "What is the time?" brought the answer, "Forty-nine minutes past eleven." "How many are present in Washington?" was next flashed along the wire and the word "Sixteen" came back.¶

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* A drawing of this plough may be seen in the report of the Commissioner of Patents for 1843, p. 247.

† Philadelphia Ledger, November 7 and December 8, 1843.

‡ Letter of Morse to the New York Journal of Commerce, Niles's Register, December 30, 1843. § Philadelphia Ledger, April 12, 1844.

‖ Ibid., May 7, 1844. National Intelligencer, May 8, 1844.

¶ Philadelphia Ledger, May 27, 1844.

During the three days' session of the Democratic Convention the telegraph was in constant use and messages sent at regular intervals were read to the crowd that stood about the north door of the Capitol. The adoption of the two-third rule which destroyed the chances of Van Buren was known in Washington fifteen minutes after it was announced in the Convention.* Another account sets forth that the vote which made Polk the nominee was telegraphed to Washington, announced, received with three cheers for Polk and three for Morse and the telegraph, and a report of its reception in Washington sent back to the Convention before the President had formally announced the result of the balloting.† And well it might, for on one occasion a message was carried on foot from Odd Fellows Hall, where the Convention met, to the Pratt Street Depot, telegraphed to a member of Congress in the Capitol, and his answer receivd at Odd Fellows Hall in eleven minutes.‡

When Wright was chosen for Vice-President and news of his nomination was telegraphed to him in the Capitol, he at once replied that he would not accept. Thereupon the Convention asked by telegraph that he withdraw his refusal. And when assured that his mind was made up, sent word that a committee of five would come to Washington that night to confer with him.§

The line having been built at Government expense to test the merits of the magnetic telegraph, it was free to all and was used by a few newspapers and by people in emergencies. Proceedings of Congress were published in the Baltimore evening and morning newspapers under such headings as, "By Morse's Magnetic Telegraph," or, "We have the following telegraphic despatch of Congressional Proceedings." On one occasion a family living in Washington, hearing that a member had died in Baltimore, entreated Morse to find out if it was true, and in ten minutes were informed that the man was alive. On another a Baltimore merchant telegraphed to

* Philadelphia Ledger, May 30, 1844.

† Morse to Secretary of the Treasury. House Document 270, 28th Congress, 1st Session. Philadelphia Ledger, June 7, 1844.

‡ National Intelligencer, May 29, 1844. § Ibid., May 30, 1844.

the Bank of Washington to ask if a check drawn by a depositor was good. On another an offender against the law was arrested as he stepped from the cars in Baltimore; the Washington police had telegraphed a description of him and a request for his arrest.

Later in the year Cornell was sent to Boston and from a room in School Street strung wires over the roof of the City Hall to Sudbury Street.* His purpose was to show the wonders of telegraphy to the people. So few came to see it that Cornell went to New York and stretched wires for a mile or so along Broadway. One shilling was charged to see the telegraph in operation. But the people showed so little interest that it was not possible to pay expenses.

Congress was again appealed to, and the friends of the telegraph labored earnestly to secure an appropriation to extend the line from Baltimore to the Hudson River. The most they could get was an amendment to the Civil and Diplomatic Appropriation bill granting eight thousand dollars for the support of the line from Washington to Baltimore and placing it under control of Postmaster-General Cave Johnson. April first, 1845, the rates fixed by the Postmaster went into force and by October four hundred and thirteen dollars were received. The outlay meantime had been thirty-nine hundred and twenty-five, thus creating a shortage which led Mr. Johnson to declare that he did not believe that under any rates the revenue of the telegraph could be made to equal its cost. Nevertheless, he saw many reasons why it should not be left in the hands of individuals. The owners of the patent had begun to establish lines in various parts of the country. Success would bring in a means of spreading news quite sufficient for many purposes, and vastly quicker than the mails, would secure for the telegraph much business hitherto done by the post-office and to that extent would cause a loss of revenue to the department. It was a question then of grave importance whether the Government should suffer individuals to share the business of transmitting news, or should buy the telegraph and conduct it for the good of the public. Let individuals do such parts of the business of the Government as

* Boston Courier, National Intelligencer, October 25, 1844.

they might find profitable and the Government would soon be left to perform that which was unprofitable. In the hands of individuals the telegraph might become the most potent instrument the world had ever known to effect large speculations, and so rob the many for the benefit of the few. The use of an instrument so powerful for good and evil ought not to be left in private hands uncontrolled by law.* After Congress refused aid nothing remained save an appeal to the business men of the country. As a last resort Amos Kendall was chosen to act as promoter, organize a company and sell enough stock to build a line from New York to Baltimore. So few subscribed that the plan was abandoned and an effort made to raise fifteen thousand dollars with which to stretch a wire from the west bank of the Hudson to Philadelphia. Fifty dollars was to be the par value of a share of stock; but for each share purchased the subscriber was to receive another as bonus, and as Morse was to have thirty thousand dollars in stock for the use of his patent, the capital stock of the Magnetic Telegraph Company, as the corporation was named, was sixty thousand dollars. Maryland granted the charter; Mr. Cochran, of Washington, made the first subscription, others followed and late in 1845 the work of construction began, and in January, 1846, a line from Philadelphia to Newark was opened for business. Amos Kendall, president of the company, told the public in a card that the line ended at Newark because it could not be carried across the Hudson,† that messages would be sent from New York to Newark by messenger six times a day, and telegrams from Philadelphia brought back six times a day from Newark.‡ This was too slow for the brokers who sent their messages to Newark by semaphore.

The Newark office of the Magnetic Telegraph Company was in the Court-House, but when the room was needed by the Court the company was forced to move into other quarters. Operations were then suspended while a line was run to Fort Lee on the Jersey shore of the Hudson, opposite

* Report of the Postmaster-General, 1845. Niles's Register, December 20, 1845, p. 255.

† Daily Union, January 30, 1846. ‡ Ibid., February 3, 1846.

Audubon's on the upper end of Manhattan Island. Between Fort Lee and Audubon's was a wire covered with cotton coated with pitch and enclosed in a lead pipe resting on the bottom of the Hudson. Unhappily the wire did not work, was abandoned, and messages were sent across the river by row-boat to the New York shore and telegraphed to the city some twelve miles away.* Scarcely had this service begun when it was stopped by ice in the river.† To overcome this hindrance the line was finally carried along the railroad from Newark to Jersey City‡ and the messages taken over to New York by the steam ferry-boat. The capital of the company was now increased, and a line from Philadelphia to Baltimore was opened for business in June. At the end of the year the receipts of the company amounted to forty-two hundred and twenty-eight dollars.

By that time a dozen companies were building lines east, west, and south, and more than twelve hundred miles were in operation.§

When Houston proposed that Miller should be included in the benefits of the appropriation to enable Morse to build his telegraph line to Baltimore, he touched a delusion which at that time was raging in the Eastern and Middle States.

William Miller, the founder of the Millerite sect, was born in Pittsfield, Massachusetts, in 1782. While still a child his parents moved to Hampton, in northeastern New York, where he grew to manhood. With little education, a lively imagination and a strong bent for reading, Miller was easily carried away by the wave of atheism which, in the closing years of the eighteenth century, swept over the portion

* Philadelphia Ledger, February 19, 1846.

† Washington Union, March 6, 1846.

‡ Philadelphia Ledger, April 14, 1846.

§ One joined New York, New Haven, Hartford, Springfield and Boston; a second New York and Albany; a third Albany, Utica, Auburn, Syracuse, Rochester, Lockport, and Buffalo; a fourth Boston and Lowell; a fifth Boston and Portland; a sixth Auburn and Ithaca; a seventh Troy and Saratoga; an eighth Philadelphia and Harrisburg, and a company had been formed to join Philadelphia and New Orleans by way of Pittsburg, Cincinnati, Louisville, St. Louis, Nashville, Memphis, Vicksburg and Natchez. When this line was finished, a St. Louis paper declared, it would be able to report speeches in Congress before they were delivered because of the difference in time.

of our country in which he dwelt. He read the works of Voltaire, Hume, and Thomas Paine, and became an avowed deist. During the war with Great Britain he served in the army as a captain of volunteers. After the peace he took up his residence at Low Hampton, was converted to Christianity and joined the Baptist Church. As he studied the Bible more and more, the conviction became stronger that the Book was a mass of contradictions, the work of designing men. To him the history of Christianity was one of persecution, oppression, tyranny, and blood. The Scriptures were dark to him; nothing good existed on earth; man was a brute and the hereafter a dream. At last, when on the verge of despair, he underwent that great change experienced by so many religious enthusiasts, and "God, by His Holy Spirit, opened his eyes." The Bible now became clear to him; he needed no commentary. He saw clearly that the words of the prophets had been literally fulfilled and, fired by his new convictions, began in 1832 to preach and to teach and wandered over New York, Pennsylvania, Michigan, and Canada, seeking proselytes.

"The Scriptures reveal, in plain language," he said, "that Jesus Christ will come in the glory of the Lord, in the clouds of heaven with all his angels about Him, will raise the bodies of His dead saints, will change the bodies of his living saints, and both the living and the raised will be caught up to meet the Lord in the air. There the saints will be judged and presented to the Father; there the Father will give the bride to His Son, and when the marriage takes place the Church will become the New Jerusalem, the beloved city."

While all this was going on in the air the earth would be cleansed by fire; the works of man destroyed; the bodies of the wicked burned to ashes and the Devil and his angels shut up in a pit for a thousand years.

This, according to Miller, was the first resurrection and the first judgment after which Christ and His saints would come to earth. As nearly as he could predict, this first resurrection and judgment would take place in 1843. The two thousand three hundred days of Daniel's vision of the ram, the he-goat and the little horn were as many years and covered

the whole course of time from the beginning to the second coming of Christ and the first resurrection and judgment.

Four hundred and fifty-seven of these days or years, Miller decided, closed with the birth of Christ, and the seventy weeks, or four hundred and ninety days or weeks of Daniel's vision, ended with the crucifixion in Anno Domini thirty-three. Eighteen hundred and ten days or years were then required to complete the twenty-three hundred, and in this wise the year of the Second Advent was fixed as 1843.

From the day when Miller began to preach he found willing believers, and by the end of a decade the journal of his sect * declared that seven hundred preachers were in the field and that the converts numbered one million. The number was undoubtedly greatly exaggerated. Yet, in 1842, there was not a city and scarcely a town in the Eastern and Middle States in which Millerites were not anxiously awaiting the coming of Christ on the twenty-third of April, 1843. As that day drew near the leaders of the sect became all activity. Meetings were held in old churches, in public buildings, in the fields, and in great tents with which the preachers travelled from city to city. One such circular tent was put up in New York, in August, 1842. It measured one hundred and forty feet in diameter, was supported by a pole forty feet high, and on its rude seats without backs sat three thousand persons. From New York it was taken to Albany † and was pitched on Arbor Hill a mile from the town pump. For weeks the city and country were in a fervor of excitement.‡ At Taunton there was a Millerite camp-meeting with some forty tents and a daily attendance said to number two thousand.§ By November the excitement reached New Jersey, and a great tent was put up at Newark. It was one hundred and fourteen feet in diameter, had six entrances, a platform for the preachers, and seats for three thousand persons. Near by were a dozen small ones for such as wished to live on the ground during the ten days' meeting, and a large boarding

* The Signs of the Times and Exposition of Prophecy, established in Boston, 1840. This later became the Advent Herald.

† Philadelphia Ledger, August 12, 1842. Niles's Register, September 17, 1842, p. 48. ‡ Ibid., August 20, 1842. § Ibid., September 1, 1842.

tent where meals were supplied at a shilling each.* Bad weather forced the tent to be abandoned and the meetings were held in the Free Church.

At Hartford and in the country round about people began to dispose of their property and settle their worldly affairs, that they might devote their lives and turn their thoughts to other than selfish interests.† Lectures on the Second Advent were given to great crowds in Atwood Hall, Philadelphia,‡ with such success that several clergymen in their sermons warned their congregation against the delusion.§ At New Haven excitement ran so high that when a near-by paper mill took fire one winter night and the flames, reflected by a blinding snow-storm, illuminated the streets, the Millerites were sure the end of the world had come and rushed from their houses.‖ When March came the results of the teachings of Miller took a serious turn. Suicides became common, and scores of people were made crazy. At Augusta four lunatics from one town were brought to the State Hospital in one week. At Portsmouth a Millerite was in such haste to see the coming of the Lord, that, clad in his ascension robes, he climbed a tree, attempted to fly into heaven, fell to earth and broke his neck. Eleven persons, driven insane by attendance on Millerite meetings, were committed to the Worcester Hospital. In Massachusetts a farmer cut his wife's throat because she would not be converted to Millerism, and a mother poisoned herself and all her children. A New Bedford editor describes a well-to-do mechanic on his knees in the snow, with a Millerite pamphlet in each hand, praying and blaspheming in a piteous manner.

At Wilkesbarre, a store-keeper who had become a Millerite, having no further use for his goods, sent for the deputy sheriff and requested him to give them to anybody who would take them "free gratis, and for nothing." In Ohio a woman, made crazy by Millerism, attempted the lives of her five children.¶

* Philadelphia Ledger, November 14, 1842. † Ibid., September 26, 1842.
‡ Ibid., December 12, 1842.
§ Ibid., January 4, 1843. So did ministers in Cincinnati. Baltimore Sun, March 21, 1843. ‖ Ledger, January 5, 1843.
¶ Cleveland Plain Dealer, quoted by Albany Journal, May 9, 1843.

By April first there were fifteen insane Millerites in the Worcester Asylum. On the appointed day great crowds abandoned their houses, left the cities and towns and, in their ascension robes, betook themselves to the fields in the full expectation that the Saviour would come with His angels to receive them and set the world afire. When the day passed and nothing happened it might be supposed the delusion would end. Not so; the preachers then became more active, the believers more ardent, and a new date, October twenty-third, 1844 was chosen for the end of things earthly. The great Millerite Tabernacle in Boston was finished and dedicated in May. The summer was spent in preaching and exhorting in tents, and the winter in great activity in the large cities. Second Advent lectures were delivered each Sunday in several public halls in Philadelphia, and finally the Julianna Street Meeting-House was purchased by the Second Advent Association as a permanent place of public worship. From time to time, little appeals to the public, setting forth the doctrines of the sect, upholding the belief that the millennium was near at hand, and strengthening the hesitating, were inserted in the *Public Ledger*. The day, it was said, which Miller supposed would bring the end of all things is ended and gone. Should we, therefore, give up in despair? Not so. Expectations of the Adventists rest not on man's belief, but on God's word. Miller thought that the prophetical periods ended about the Jewish year 1843. He erred, but is that a reason why we should not believe that they are just about ending? * The seventy weeks or four hundred and ninety days or years mentioned in Daniel, ninth chapter, closed exactly at Christ's ascension in May, Anno Domini thirty-four. The eighteen hundred and ten years needed to complete the twenty-three hundred of Daniel's vision bring us therefore, to the coming anniversary of the Ascension, or May sixteenth, 1844.† Six thousand years, it was said, beginning with the creation, had always been believed to be the life of the earth. According to Bible history about six thousand years have now rolled away since at the fiat of heaven earth sprang into being.

* Card in Philadelphia Ledger, May 1, 1844.

† Ibid., May 4, 1844.

"Thus are we about plunging into eternity, and, my reader, are you prepared?"*

At Louisville, Kentucky, the excitement resembled that of an old-time camp-meeting. The big tent was filled to overflowing, and when the services ended the converts threw themselves on the ground before the pulpit and prayed, shouted, sang, or groaned as the spirit moved them.† In October the excitement in the cities became intense. In New York a shopkeeper gave notice that the public might help themselves to his stock of shoes, as he had no further use for them. In a Bowery shop was a large placard, "Muslin for Ascension Robes." Mrs. Childs, in one of her letters from New York, declares that the crowds about the doors of Millerite meetings were so great that it was unsafe to enter; that stones and brickbats were often thrown through the windows, and that one night, as Mrs. Higgins was exhorting, some boys set fire to a pile of shavings and burned blue lights which cast such an unearthly light through the windows that women screamed and fainted and many were hurt in the rush for the doors.‡

At Boston, October tenth had been chosen as Ascension Day, and when it came the Tabernacle was crowded with men, women, and children. Four o'clock was the hour fixed on for the coming of Christ. But just before that time it was announced that another error had been detected and that Ascension Day would be October twenty-second.§ "This shop," so ran the placard of a Philadelphia tradesman, "is closed in honor of the King of kings who will appear about the twentieth of October. Get ready, friends, to crown Him Lord of All." || The daily throng about the Millerite Church in Julianna Street was so great that the sheriff feared a riot,

* Philadelphia Ledger, April 29, 1844. April 25 and 27, and May 1 and 2, 1844.

† Louisville Courier, August 8, 1844.

‡ National Intelligencer, October 21, 1844.

§ Bay State Democrat, October 11, 1844.

|| Ledger, October 11, 1844. This appeared at Newburyport: "*Notice.* As I am fully persuaded that the end of all things is now at hand, and that in a few days the Saviour will come in the clouds of heaven, I offer for sale my stock of dry goods, ladies' and children's shoes, at reduced prices. My only object in offering my goods for sale is that I may pay all obligations to my fellow men, as far as possible, before that day arrives."—Albany Journal, October 23, 1844.

and when a young man was taken deranged from the meeting the sheriff ordered all services stopped.* "I believe," so read a card inserted in a Philadelphia newspaper, "according to the Scriptures that the Lord Jesus Christ will be revealed in the clouds of heaven on the tenth day of the seventh month which agrees with the twenty-second instant. I therefore entreat all whom this may reach to prepare to meet their God."† Two men refused to vote because of the near end of the world. Others abandoned their business to watch for the eventful hour.‡ A New York tradesman burned his stock of dry goods before his door, and refused to provide food for his family. The wife, who was not a Millerite, applied to the Commissioners of the Almshouse for aid.§ The lighterman of one of the largest houses in Brooklyn discharged his workmen, declaring that the world would not last beyond the twenty-first of October.‖

On complaint, lodged with the Baltimore County Court, a Millerite preacher was arrested for disturbing the peace, but was released till after the time fixed by his sect for the coming of the Lord. His preaching had led the heads of several families to abandon their vocations and give their property to the Millerite cause.¶ Many preachers had urged their followers to sell their property and scatter the proceeds.** One day after the Baltimore City Court rose, a young woman appealed to the judge for help. Her Millerite husband would not work. The judge promised to bring the subject of Millerism before the Grand Jury as leading to the disorganization of social life.†† At the Julianna Street Church many persons put their property at the disposal of the preachers. One gave thirty-five dollars in money; another one hundred and sixty.‡‡ Such crowds blocked the street and struggled so for admission to the church that the sheriff closed it permanently. Another church in Spring Garden Street was closed for a like reason. At Boston the mayor stopped the services at the

* Philadelphia Ledger, October 15, 1844. † Ibid., October 10 and 11, 1844.
‡ Ibid., October 14, 1844. § Ibid., October 15, 1844. ‖ Ibid., October 8, 1844.
¶ National Intelligencer, October 16, 1844.
** Baltimore Clipper, October 24, 1844.
†† Philadelphia Ledger, October 16, 1844. ‡‡ Ibid., October 18, 1844.

Tabernacle. People complained of the noise as a nuisance. The Selectman of Meredith, New Hampshire, applied to the Judge of Probate for guardians over ten persons who had neglected their business and let their property go to waste to run after Miller. An order was issued.* Other towns notified the farmers to gather their crops or be treated as idlers and spendthrifts. At Kingston a printer and publisher went insane. At Newington and at other places the apple crop was left to rot on the trees, and corn stood ungarnered in the fields. In the Brattleboro, Vermont, Asylum, there were twenty-six insane Millerites. At Black Rock a young man threw himself into the Niagara River and was swept over the falls. In many places in Maine the followers of Miller attempted to obey literally the commands of the Bible and imitate as far as possible the acts of the Saviour. Some crawled about on hands and knees with others on their backs. This was the entry into Jerusalem. There was a holy dance, a holy laugh, washing of feet, holy rolling, and sacrifices.

When Monday, the twenty-first of October, came, large parties left Philadelphia and went outside the city to camp. Some went over to Camden and other New Jersey towns. A great crowd repaired to Darby, where a large tent was pitched, and with prayers and singing awaited the coming day. Before evening the tent was so crowded that the children were forced into the fields where they ran about crying, exposed to a pelting storm. A second tent was put up on Tuesday. This was to be the last day, and as it dragged along the suffering from want of food became dreadful. When nothing came to pass despondency set in, and toward daylight the crowd of cold, hungry, and weary Millerites began to disperse. Some, however, waited all day Wednesday and then walked back to the city sadder but no wiser than before. In a Millerite camp near Phœnixville two children were found dead. The misery caused by the neglect of trades and callings and the foolish waste of property was long felt by many thousands of the deluded followers of Miller.

* National Intelligencer, November 20, 1844.

CHAPTER LXXIV.

SOCIAL AND POLITICAL BETTERMENT.

WHILE the Millerites were busy preparing for the Second Advent and the life hereafter, reformers of many sorts were earnestly striving for the betterment of life on earth. Some were bent on removing from the statute-book laws which seemed to them barbarous, inhuman, unworthy of the spirit of the nineteenth-century civilization; others were attacking, sometimes with force, social institutions and usages that had come down from time immemorial. Still others, carried away by the teachings of Fourier, believed the whole social fabric needed to be rebuilt from the foundation.

All the ills that beset society were to be ascribed, in the opinion of the Fourierites, to the faulty construction of the social system. That the mass of our countrymen had ever heard of Charles Fourier and his scheme of social reform prior to 1840 may well be doubted. For it was not till that year that his American disciple, Albert Brisbane, published the "Social Destiny of Man," and thus laid before his countrymen the peculiar views of Fourier and himself.

Society, according to these two reformers, was false and defective. It rested on principles which misdirected, misemployed, turned awry the faculties and passions of man, and defeated the ends and hopes of life. Society rested on isolation, on the separation of man from his fellows, on individual effort. The result was envy, hatred and strife, selfishness, overreaching, fraud, injustice, ceaseless conflict of interests. A social order founded on such principles was against reason. It lacked combination, unity of interests, and harmony of action. All this was to be changed and society reformed by association.

An association, or Phalanx, was an assemblage of not less than three hundred nor more than eighteen hundred persons, voluntarily united for the purpose of carrying on, with order and unity, the various branches of industry, art, and science. The proper number was three hundred families of eighteen hundred persons. The domain of such a Phalanx, as Fourier imagined it, was a fertile tract of six thousand acres. In the centre was the Palace or Phalanxtery, a double row of continuous buildings twenty-two hundred feet long. The Palace consisted of a centre for quiet occupations, as dining, reading, and meetings of the council, and two wings so arranged as to form a half-enclosed court. One wing he reserved for workshops and the other for the dwelling-rooms of the members. Opposite the Palace and forming the other side of the great court or square were the barns, stables, granaries, and storehouses, and around all the cultivated fields and gardens.*

Thus, in place of three hundred little farms badly equipped, poorly cultivated and ill-arranged, there was one great farm skilfully cultivated, and one great granary in place of three hundred little ones. Three hundred families living isolated and alone would require three hundred houses, six hundred fires, three hundred kitchens, three hundred stoves, three hundred sets of cooking utensils, three hundred women to do the cooking three times a day. In the Palace three or four large kitchens, a few great ranges and fires, and a few experienced cooks would do the work for all, and do it very much better.

In the Phalanx no restriction was laid on dress or amusement, on style of living or on occupation. Each family according to its means and tastes dwelt in sumptuous apartments or modest rooms, sat down to rich repasts or simple meals, wore such clothing as it could afford, and performed such labor as inclination prompted.

All labor must be attractive, and to make it so the workers were arranged in groups and series. A group was a body of men or women united by a common taste for any occupation, and who combined to prosecute it. In a rude way this idea

* In Brisbane's Social Destiny of Man is a plan and perspective view of such a palace or "Edifice of a Phalanx."

was practised in society as constituted. Thus a fire company, a boat club, a debating club, a musical club, a hunting party was an imperfect group. Members of each association were united to accomplish a certain end because of a common taste. But the idea of making such groups for the prosecution of industrial pursuits was a peculiarity of Fourier's association.

A full group, he insisted, should consist of at least seven persons arranged in three sub-groups consisting of a centre of three persons and two wings of two persons each. In a regularly constituted group, one, the ascending wing, should have more members than the other, the descending wing, and the centre should be stronger than either. A group of twelve would be divided into an ascending wing of four, a descending wing of three, and a centre of five.

A series was composed of groups and should also have a centre and two wings. To the ascending wing should be assigned the heaviest branch of group work. Thus a series of nine groups making hats should be divided into an ascending wing of two groups manufacturing two qualities of white fur, a centre of three groups making three qualities of black fur, and a descending wing of two groups making two qualities of black silk hats.

At the end of each year when taxes, insurance, medical attendance, repairs, and all running expenses had been paid, one-quarter of the net profits should be set apart as interest on the stock, and three-quarters as a reward for labor. Work was paid according to the class to which it belonged, and there were three classes. In the first were works of necessity and such as were laborious and least attractive. To this went the largest share of the profits. In the second class were works of utility. To this was given the next largest share. The smallest share was allotted to the third class which performed work that was light and attractive. If the Phalanx at the close of a year had four hundred thousand dollars to divide, one hundred thousand would be dividend on stock, and three hundred thousand would be divided among the classes. To the first class would go one hundred and twenty-five thousand, to the second one hundred thousand and to the third seventy-five thousand. Each class would then divide with the

series, the series with the groups, and the groups with the individuals. Against each individual was charged room rent, board, clothing, articles for personal use, cash advanced, and subscriptions to the library, the baths, concerts, and entertainments.

To spread these ideas of social reform pamphlets were written, lecturers sent about the country, the use of a column in the New York *Tribune* secured, journals established, and a model Phalanx started. The seed fell on good ground, and at least two score Phalanxes or Associations, more or less on the model of Fourier, were planned and most of them planted. New York, Pennsylvania, and Ohio were most prolific of such attempts; but Phalanxes were to be found in Massachusetts, in New Jersey, in Indiana, Illinois, Michigan, and Wisconsin. One, the North American Phalanx, near Red Bank, in New Jersey, lived thirteen years. Another, the Wisconsin Phalanx, six years. Two endured for four years, many for two or three years, and others, after a feeble struggle of a few months, broke up and ended in failure. The most famous of all, the Brook Farm Institute of Agriculture and Education, began its career in 1841 as a Community, but was caught by the craze for association, became a Phalanx in 1844, and broke up three years later.

Still another band of reformers cried out against the execution of criminals as a grievous wrong and in State after State attempts were made to abolish the death penalty. In Maine, in 1835, so many petitions were presented to the legislature that a committee was appointed to take the matter into consideration.

The community, the committee reported, was divided into those who held that the punishment of certain crimes with death had divine authority and cited the command to Noah and his sons, "Whoso sheddeth man's blood, by man shall his blood be shed"; and those who denied that the Bible gave any authority to take human life and cited the command, "Thou shalt not kill."

After careful consideration of the matter the committee concluded to recommend the abolition of capital punishment in all cases save treason and misprison of treason and gave eight

reasons. The moral effect of hanging was bad; it was hard to convict men of murder when the jury knew the criminal would be hanged; the penalty did and must sometimes fall on the innocent; men having committed crimes for which the penalty was death often committed others to prevent detection; it was not enjoined by the Scriptures; the gospel spirit forbade punishment by way of revenge; government had no moral right to take life, and, finally, the safety of the State did not require that all criminals should be executed. Treason and misprison of treason were crimes against the life of the State, and for this death might well be the penalty. The bill reported by the committee, therefore, provided that, in all other cases, life imprisonment should be substituted for death.* It was not till 1837, however, that Maine abolished capital punishment.

In the meantime the agitation spread to Massachusetts, where a committee of the Senate made an adverse report. Six crimes—treason, murder, rape, arson, burglary, and robbery—were then punished with death. The Governor, in his message, urged that they be punished with imprisonment for life. But the committee, after stating the wisdom of applying the death penalty in each case, decided that life imprisonment was not so likely to prevent crime as hanging, for there would always be the hope of pardon or escape, that solitary confinement in a dungeon was a living death, was cruel and unmerciful, and that it was not safe at that time to abolish capital punishment in the Commonwealth. No Government had as yet thought it wise to do so in all cases, and it was not well for Massachusetts to make the first experiment.† The committee of the House made a long report, argued against capital punishment, and presented a bill "to abolish the punishment of death.‡

In New York a select committee appointed to consider some remarks of Seward and some petitions from citizens made an elaborate report. It covers one hundred and sixty-

* Report of the committee to whom was referred the several memorials and petitions for the abolition of capital punishment. House Document No. 25, 1835, Maine.

† Report of the committee of the Senate on so much of the Governor's address as related to the abolition of capital punishment. Senate, 73, March 26, 1836.

‡ House, No. 32, February 22, 1836.

four printed pages and is a goodly treatise on capital punishment.

Every phase of what the committee called the scriptural aspect was gone over. Every text of Scripture bearing on the question was cited and discussed. The decision was: the Bible does not enjoin, nay, does not sanction the putting to death of man. The practice cannot be reconciled with the belief in a future state of punishments for sins done in the flesh. He who shortens a human life puts in jeopardy a human soul. The sociological aspect was next gone over. The chance of reformation; the right of society to take life; death as a preventive of crime; revenge as a basis of punishment; the uncertainty of conviction by a jury if death was to follow conviction—were all passed in review. The conclusion was that death was not necessary to prevent a repetition of the crime; that hanging did not teach by example as was admitted by those States which had forbidden public executions, and that capital punishment should be abolished.* Three crimes—treason, murder, and arson in the first degree—were then punished with death in New York. But the bill for the abolition of such punishment reported by the committee was not passed.

The friends of antigallows laws, however, were making great progress and in 1842 capital punishment was abolished in Vermont.† The Governor of Connecticut asked that it be done away with in that State. A bill abolishing it was passed by one branch of the legislature of New Hampshire, and a like bill by the Assembly of New York, and a serious agitation for abolition was started in Philadelphia.

There, during the winter of 1842, the question was hotly debated. Friends of an antigallows law called a town meeting and appointed a committee to frame a memorial to the legislature. Friends of capital punishment presented their view in a memorial having five hundred signatures and asked

* In Vermont the act provided that any person sentenced to death shall be imprisoned for one year and until a warrant shall be issued by the Governor directing the sheriff of the county to execute the sentence. If the Governor issued no warrant, the criminal remained in jail. Act of November 12, 1842.

† No. 249. In Assembly, April 14, 1841. Report of the Select Committee on so much of the Governor's message as relates to the abolition of capital punishment, and on sundry petitions from citizens.

that the law be left as it was. Both sides appealed to the Bible. That death, said the opponents of hanging, was the punishment meted out to criminals under the Mosaic law is quite true. But we live in a happier time, and that dreadful law has been set aside by the teachings of Christ. We are told that the law given to Noah after the flood—the law "Whoso sheddeth man's blood, by man shall his blood be shed"—is binding on the whole human family. If that be true, then every man who slays another must suffer death, the executioner in his turn becoming the victim and one hanging follow another for all time, for there is no exception, no difference in degree; the words are, "Whoso sheddeth man's blood."

The principle on which this is based was annulled by our Saviour when he said, "Ye have heard that it hath been said, an eye for an eye, and a tooth for a tooth; but I say unto you, that ye resist not evil." And again, "Vengeance is mine, saith the Lord, I will repay." The functions of society extend only to its own preservation. The moment it wreaks vengeance it arrogates to itself a prerogative of the Almighty.*

Defenders of capital punishment denied that the teachings of Christ had set aside the law given to Noah. Were not murderers executed while Christ was on earth? Did not the Roman Government constantly put criminals to death during the lifetime of the Saviour? Yet where do we find in the new dispensation any abrogation of the command to Noah? The authority for all Government is clearly laid down in Romans, the first to the fifth verse. The Almighty governs the earth by laws, and laws in conformity with the appointment of God are properly constituted authorities.† If you do away with capital punishment no man or woman will be safe from the fury of ruffians. Each violent death will be followed by the death of him who caused it, at the hands of the mob. Father, brother, son will hunt down the slayer.‡

The town meeting in its memorial took its stand on the text, "Thou shalt not kill," and declared the death penalty

* Philadelphia Ledger, January 14, 1842.

† Ibid., January 18 and 25, 1842.

‡ Pennsylvanian, February 1, 1842.

unwise, unnecessary, repugnant to the mass of the people, opposed to the moral spirit of the age and the teachings of Christianity.*

Sermons were preached on the question and such strong opposition was shown by the clergy that the committee to prepare the memorial was forced to defend itself. Certain clergymen, it said, were warm in support of the death penalty. Through the press they had created the belief that all opposed to hanging were heedless of the divine authority of the Holy Scriptures, and were acting contrary to the express commands of God. Against this the committee solemnly protested. Destruction of human life at the hands of an executioner, it firmly believed, was at variance with sound policy, with humanity, with the benign spirit of Christianity.†

Two reports by this time had been made on the question to the Pennsylvania House of Representatives. That of the majority was against abolition of the death penalty; that of the minority recommended imprisonment for life at hard labor.‡ Has society, the writers asked, a right to take a life it has not given and cannot restore? For the sake of argument they considered that it had, provided the use of such right was necessary to the existence of society. Is it imperative on society under sanction of divine law to inflict death in every case of wilful murder? As they felt unfit to determine the exact meaning of the texts of Scripture cited by the moralists, they left this question to be settled by each member of the House for himself. The object of all punishment should be the prevention of crime. Society knew nothing and ought to know nothing of vengeance.

Crime might be prevented by making it impossible for the offender to continue in his wrongdoing; by reforming him; or by the terror of certain punishment. As a means of prevention imprisonment for life was as effective as death, and more humane. Death, on the other hand, as a source of terror was a failure because, in Pennsylvania, executions were

* Pennsylvanian, February 1, 1842.

† Philadelphia Ledger, March 25, 1842.

‡ The minority report was written and signed by George Sharswood and Thaddeus Stevens.

no longer in public, because they were usually unknown to the very persons to whom they were to be warnings, and because it was so difficult to convict for murder.

Both reports were laid on the table, and when the legislature was in session during the winter of 1843, scores of anti-gallows petitions from all parts of the State were presented. But still the legislature would not yield.*

The execution of a half-idiot girl in New Jersey in 1844 aroused new interest and activity. In New York City the American Society for the Collection and Diffusion of Information on Punishment by Death was founded, and the poet William Cullen Bryant was made its president. A monthly publication called the "Anti-Draco" was established, public debates on the question were held in Philadelphia, and in November the electors in New Hampshire voted for or against the abolition of capital punishment in that State. The majority in favor of hanging was over nine thousand seven hundred.

The reformers in a few States meantime had secured the abolition of public executions. The custom of hanging a criminal in public that his fate might serve as a warning was brought over from England by the early colonist and so late as 1833 was still in general use. By that time, however, it had become a crying evil, and when, in the summer of 1833, a criminal was hanged at Mount Holly in New Jersey, the scene there enacted stirred the reformers to action. The day of the hanging was made a holiday, a festive occasion, by ten thousand people who came to the sport from all the country-side and even from neighboring States. Along the road were tents and booths in which liquor was sold and in which gamblers plied their tricks. Around the gallows were several companies of militia drawn up in a hollow square. At the appointed time the murderer arrived in a carriage escorted by a troop of cavalry and accompanied by six ministers of as many sects, and sat down on the raised platform while one of the ministers read his confession to the gaping crowd.

Such a storm of indignation followed this scene that the

* Report of the majority of the committee. Document 107, Journal Pennsylvania House of Representatives, 1843, vol. i, p. 675. Minority report, Document 108, p. 692.

legislature of Pennsylvania at its next session confined executions to the jail yards. New Jersey and New York did the same in 1835, Massachusetts and Maryland followed their example, and in 1837 certain citizens of Philadelphia petitioned Congress to forbid the public executions of criminals condemned under laws of the United States. The cause of the petition was the hanging in public, at the Eastern Penitentiary, of a man guilty of murder on the high seas, and the disgraceful scenes which attended the execution. That the State should forbid hanging in the presence of the people, yet the Federal Government, which had the use of the State jails not by right but by courtesy, should disregard the State law seemed indecent. Nevertheless, Congress took no action.

In a few States other modes of punishment now thought barbarous were still in use and from time to time were applied. Thus, in 1841, a young girl plead guilty to ten indictments for larceny and was sentenced to pay double the value of the articles stolen, to wear ten T's on her outer garment, and receive two hundred and ten lashes on her bare back. Such were the requirements of the law; but the Court, the bar, and the witnesses petitioned the Governor in her behalf and the flogging was omitted.* In 1842 a bigamist was sentenced at Parsons, North Carolina, to have a B branded on his left cheek, to be imprisoned for three years, and be given nine-and-thirty lashes once a year during imprisonment.† In 1846 two Germans were put in the pillory for attempting to rob on the streets of Charleston, South Carolina.‡

Punishments of this kind were now exceptional. Sympathy for the criminal, the deaf and dumb, the blind, the crazy was widespread and active. The friend of the crazy was Dorothea Lynde Dix. Much of her time in the spring of 1841 was spent in visits to the women in the House of Correction at East Cambridge. There, shivering in a cold, unheated room, was a woman whose sole offence against society was possession of a mind bereft of reason. An appeal to the jailer for a fire was flatly refused. An appeal to the Court had better success and the fire was ordered. This incident

* Globe, December 1, 1841. † Philadelphia Ledger, June 15, 1842.
‡ Ibid., July 17, 1846.

brought before Miss Dix the whole subject of the treatment of the insane and idiotic. Was the case of the woman in the East Cambridge jail a special one? Were those afflicted as she was and confined in the jails and almshouses scattered over the Commonwealth better or worse used? How were they used? To answer this question two years were spent in personal investigation. Every jail and almshouse from Cape Cod to the New York border was visited and the appalling result was laid before the Massachusetts legislature in 1843. Wilful abuse she found less frequent than suffering caused by the ignorance and carelessness of keepers. Negligence was common. Hardly a town but was using, or had used, chains and cages. One poor mad-woman was in the cellar of an almshouse shut in a closet under the stairs. Others were in stalls or pens in outhouses or barns. Scores were chained to floors or walls, or confined in filthy cages, their ravings quieted with the lash, their beds a wisp of straw and their clothing a mass of all too scanty rags.*

Little wonder that the legislature was shocked and amazed. Her prayer that the demented might be removed from jails and almshouses and well cared for was granted, and a resolve passed ordering the State Asylum at Worcester to be so enlarged as to give quarters to one hundred and fifty more insane.†

The good work so begun, went steadily on. Year after year, State after State, was visited. The insane were sought out in poor-houses, jails, and private dwellings, and their treatment carefully noted. In the course of eight years Miss Dix travelled sixty thousand miles, went over every State in the Union save North Carolina, Florida, and Texas, and came into contact with more than nine thousand idiots, epileptics and insane, all destitute of proper care and protection. Thousands were bound with chains, weighed down with fetters, lacerated with ropes, scourged with rods, made fast to drag-chains, confined to garrets and cellars, outhouses, stalls and pens, cells, dungeons and cages, exposed to the cold, and often

* Memorial of Dorothea L. Dix to the Massachusetts Legislature, January, 1843, Old South Leaflets, No. 148.

† Massachusetts Resolves, 1843, No. 73.

naked. The facts gathered during these journeys over the States were laid before Congress in 1850 in a memorial praying for a grant of five millions of acres of the public land to aid the thirty States in caring for the curable and incurable indigent insane.* In both House and Senate favorable reports were made and bills introduced.† But the grant was not made.

State after State, however, had heard her appeals. Hospitals for the insane were established in New York, Georgia, Rhode Island, New Jersey, Indiana, Illinois, and Louisiana, between 1843 and 1850, and hundreds of the most afflicted of men and women were rescued from filth, cruel treatment, and neglect.

Another class of prisoners no longer to be seen in the jails of many States were the debtors. The movement for the abolition of imprisonment for debt, having dragged along for two decades, went rapidly forward after 1835. Indiana ‡ forbade the imprisonment of women for any debt; Maine § that of man or woman for a debt under ten dollars; Ohio,‖ Vermont,¶ New Hampshire,** and Louisiana †† for a debt of any amount; and Delaware when the debt was under fifty dollars.‡‡

Connecticut,§§ New Jersey,‖‖ Pennsylvania, Indiana,¶¶ Tennessee,*** passed acts of abolition in 1842; Missouri ††† followed in 1843, and that same year a bill to put an end to this barbarous usage was lost in the Michigan Senate.

Another band of reformers meantime were hotly attacking

* Reports of Committees, No. 487, 31st Congress, 1st Session, 1849–1850.

† Journal of the Senate, September 26, 1850, p. 681, 31st Congress, 1st Session.

‡ Laws of Indiana, 1835, Chapter 39.

§ Laws of Maine, 1835, Act of March 24.

‖ Laws of Ohio, 1838, March 19.

¶ Laws of Vermont, November 3, 1838.

** Laws of New Hampshire, Chapter 547, December 23.

†† Laws of Louisiana, Act No. 117, March 28, 1840.

‡‡ Laws of Delaware, Chapter 363, February 20, 1841.

§§ Laws of Connecticut, 1842, Chapter 23, June 10.

‖‖ Act of March 9, 1842.

¶¶ Laws of Indiana, 1842, Chapter 55.

*** Laws of Tennessee, 1842, Chapter 3.

††† Laws of Missouri, 1843, January 17.

the lottery. In many States it had long been under ban; but the laws were not enforced and every year millions of dollars were taken from the pockets of the poor and ignorant for no good purpose whatsoever. Thus, Pennsylvania in 1792 forbade the sale within the Commonwealth of tickets in any lottery not authorized by the legislature. So little heed was given to the law, so open was the violation of it, that the penalty was increased. But it was made too heavy. Convictions under it could not be secured, and when, after 1820, a mania for lotteries swept over the country, Philadelphia became such a mart for the sale of tickets that sixty offices were soon in full operation. In 1830 a member of the legislature urged that Pennsylvania should ask for an amendment to the Federal Constitution forbidding lotteries. The lottery evil, he said, has become so serious in its results, so pernicious to the morals of the people, that it ought to be eradicated. The very sight of lottery signs has become odious. We cannot pass a lottery office without beholding a throng of adventurers going in and coming out. If we travel to any village or town the same spectacle is seen. The lottery destroys the happiness of the poor by its false hopes, draws them away from labor and industry and leads to pauperism, misery, and crime. As a means of raising money it is the worst imaginable. Some twenty-one million dollars had been paid for tickets in the course of twenty years; yet scarcely six hundred thousand has been used for the purposes for which the schemes were authorized. In 1831 there were one hundred and seventy-seven lottery offices in Philadelphia and two hundred the next year. In them in 1832 tickets were sold in nearly four hundred schemes with prizes amounting to over forty-nine million dollars.* Not a ticket in one of these save the

* Authorized	by	New York,	schemes	73,	prizes	$13,188,818
"	"	Virginia,	"	65	"	10,010,153
"	"	Connecticut,	"	81	"	7,638,201
"	"	Rhode Island,	"	62	"	7,184,486
"	"	Delaware and North Carolina,	"	34	"	3,174,324
"	"	Maryland,	"	17	"	2,028,162
"	"	Delaware,	"	29	"	614,408
Union Canal	"	Pennsylvania,	"	28	"	5,313,056
				398	"	$49,151,608

Union Canal could lawfully be sold. To catch workingmen and apprentices the tickets were so subdivided that twelve and a half cents would buy a chance.

The reformers, alarmed at the rapid growth of the evil, held a public meeting and petitioned the legislature. They complained of itinerant venders "who traversed the city in every direction, visited the stalls in the markets, the shops of the merchants, the stores, taverns, mills, factories, and even made their way into the homes of citizens." Tickets, it was said, that had been drawn and were known to be blanks, were resold. Prizes were often cashed for less than their value; counterfeiting of tickets was largely practised.*

Drawings took place as often as eight times a week. On such occasions the crowd that gathered at the Arcade was largely composed of apprentices, indentured girls, hawkers, mechanics, women, and chimney-sweeps.

In 1833 the legislature acted,† suppressed the Union Canal Lottery, and made all and every lottery, or device in the nature of a lottery, unlawful. Even this act was disregarded, and the following year the Pennsylvania Society for the Suppression of Lotteries was formed to enforce it.

Elsewhere the same conditions prevailed. In Massachusetts the suicide of a young clerk who had robbed his employer to buy tickets in a lottery so excited the public that the legislature made it a penal offence to make, sell, or offer for sale, or have in possession with intent to sell, any lottery ticket, or part of one, or to assist in drawing or managing of any lottery or knowingly to permit any drawing in any house or store, and bade the Governor request the other States to suppress their lotteries.‡

In New York in 1824 there were but eight or ten lottery offices; in six years they increased to one hundred and forty-seven and over nine millions of dollars were offered in prizes. A grand jury complained that some of the chief streets were literally disfigured with advertisements of lottery schemes and

* Report of a committee appointed to investigate the evils of lotteries in the Commonwealth of Pennsylvania, and to suggest a remedy for the same, Philadelphia, 1831.

† Act of March 1, 1833.

‡ Act of March 23, 1833.

that citizens and strangers were pestered by men and boys thrusting lottery advertisements into their hands as they passed along. Prizes were often not paid at all, or paid in part. Tickets were forged, fake drawings were held, and policying was common. Policy consisted in betting three dollars against certain numbers being drawn.* In 1833 New York joined the goodly company of antilottery States and absolutely forbade lotteries and the sale of tickets.

Virginia in 1825 forbade the sale of foreign lottery tickets on her soil, but the law could not be enforced and licenses were substituted. For the right to sell tickets in lotteries authorized in other States five thousand dollars were demanded; for the right to sell tickets in a domestic lottery, sixty dollars. Maine, Vermont, Ohio, Illinois, Michigan, authorized no lotteries. New Hampshire, in 1791, suppressed them, and finding the law was not obeyed, increased the penalties in 1807 and 1827. Yet tickets were sold in every bookstore in the State. High and low, rich and poor bought them. Tennessee did away with lotteries in 1835 and provided fine and imprisonment for the sale of tickets.

In Rhode Island a petition to the legislature in 1840, praying for the suppression of lotteries, set forth that they were a species of gambling, were attended by fraud in the sale and drawing of tickets, were an oppressive tax on the community, and led to pauperism.

Delaware required the contractor for any lottery chartered by her or drawn in the State to pay, immediately after each drawing, ten dollars to the school fund and fifty dollars to the persons authorized to receive the funds to be raised by the lottery. All acts chartering lotteries which had not been drawn, or were not being drawn, or for which no contract for drawing had been made, were repealed.† But a firm of dealers in lottery charters took the act to the Court of Errors and Appeals and so much as related to the tax was declared unconstitutional.‡

Missouri abolished lotteries in 1842 and forbade the

* A Brief Survey of the Great Extent and Evil Tendencies of the Lottery System, Philadelphia, 1833.

† Laws of Delaware, 1841, Chapter 364. ‡ Act of December 19, 1842.

sale of lottery tickets. In New Jersey the question of abolition was carried to the polls and became the issue in the election of 1844.* In 1846 a grand jury in Philadelphia gave two weeks to an investigation of evasions of the antilottery law, and unearthed an organized system for the sale of tickets and policies. Policies, the report stated, costing three cents were issued contingent on the drawing of a combination of numbers on a certain day in the lotteries of other States. These were sold by hawkers employed by some two hundred offices in the city and adjoining districts.† During the forties many State constitutions were made or amended. That of New Jersey, framed in 1844, those of Texas and Louisiana, made in 1845, and the Iowa Constitution of 1846 forbade the legislatures of these States to ever incorporate a lottery or authorize the sale of lottery tickets. So did that of Arkansas, adopted in 1836.

An institution on which the reformers might well have spent some of their zeal was the public-school system. The census of 1840 reported forty-seven thousand two hundred and seven primary and common schools in the United States. But the real school-master was still abroad. The instruction was crude, the appliances poor, the parents indifferent, the scholars irregular in attendance, and the term but a few weeks each year.

The system of Connecticut had once been a model thought worthy of imitation. But lack of supervision led to decay, and in 1830 a convention of school-teachers at New Haven complained that the schools were running down. The State at that time was laid out into two hundred and nine school societies, which were further divided into some sixteen hundred school districts. The people in each district formed a community authorized by law to hold meetings, elect a clerk and treasurer, and levy taxes to buy school-house lots, build and repair school-houses, purchase fuel, but for no other purposes. When the money appropriated from the literary fund was spent the salary of the teacher must be apportioned among the parents of the scholars. The sum so assessed at any time could not have been great, for men were paid but from twelve

* Philadelphia Ledger, April 5, 1844. † Ibid., February 9, 1846.

to twenty-five dollars a month according to the number of scholars, and women from four to six dollars a month with board.*

When Governor Edwards complained that the teaching was wretched, an investigation was made and the report set forth that school visitors were negligent, parents indifferent, and teachers poorly paid and worse qualified. Fourteen dollars and a half for a man and five dollars and three-quarters for a woman, not including board, were the average weekly wages. Many of the school-houses were declared unfit for use, the variety of school-books was denounced as a crying evil, and over six thousand children were out of school.

The Rhode Island Act of 1828 left it with the towns to decide whether they would or would not support public schools, and so late as 1844 only three of them levied taxes for that purpose.

The District Schools of Massachusetts, like those of Connecticut, passed through a period of decline in the twenties and early thirties. But a bright day dawned for them in 1837 when the State Board of Education was established and Horace Mann became its secretary. The duties of the Board were persuasive. It could not found a school nor manage one after it was opened. But it could gather information and spread it before the people, and for this work no one in all the land was better fitted than Mann. His twelve annual reports brought down on him much bitter criticism. But when his term of office ended better school-houses had been built, the pay of teachers had been increased, three normal schools had been founded, a month had been added to the school term, and the methods of teaching vastly improved.

Maine had no general school fund, but levied a tax for school purposes of about forty cents per head. Women taught school for two months and men for three months each year. The pay of a man was from fifteen to twenty dollars a month. New Hampshire taxed banks, ratable polls and ratable estates for school purposes, and in this way raised ninety thousand dollars a year. Winter schools were taught by men.

* Reply to a circular letter from Pennsylvania in Report of Joint Committee on Education, Journal Pennsylvania Senate, 1833–1834, Appendix, pp. 397–400.

Women taught the small children. In New York each town must raise as much money by taxation as it was entitled to receive from the State. To get aid from the State a school must be taught for three months each year by a qualified teacher. What subjects should be taught was for the district officers and teachers to decide.

In New York City since 1805 free education had been provided by the Free School Society, and by such religious bodies as chose to open schools to children of their denomination. When the State established her public-school system in 1812 the Free School Society was granted a share of the school funds, and the Supervisor was empowered to raise a like sum by taxation, but the society carried on its work in its own way without interference by the State. During some years this system worked well enough, but when immigrants came streaming in trouble began. The new-comers were chiefly Roman Catholics, would not send their children to schools where the Protestant Bible was read, but put them in the parochial schools opened by the Roman Catholic clergy. The burden thus imposed soon became too heavy to bear and a demand was made for a share of the school funds. Early in 1840 Catholic associations were formed, weekly meetings were held in the schools attached to the Catholic churches, a memorial was presented to the Common Council, and an appeal was made to the people of the State.* The Free School Society put forth a reply, and the Catholics again petitioned the Common Council. They complained that all share in common-school education was denied their children save under conditions with which their consciences and their duty to God did not leave them at liberty to comply; that the Protestant version of the Bible was read in the schools; that many of the selections in the elementary reading lessons contained terms and matter insulting to the Catholic name and church; and they had been forced to open schools of their own, and they asked that aid be given to the school of St. Patrick, St. Peter, St. Mary, St. Joseph, St. Nicholas, St. James, St. John, and the Transfiguration.

* Address of the Roman Catholics to their fellow-citizens of the city and State of New York.

The trustees of the Free School Society and the pastors of the Methodist Episcopal Church at once protested. The Board of Aldermen thereupon decided to give each side a hearing, and a warm debate resulted.* The petition was not granted, but the cause soon found a champion in Governor Seward, who in his next annual message asked the legislature to open separate schools for the children of foreigners. Defeated in the city the Catholics carried their complaints to the legislature and their opponents appealed to the voters, founded the Democratic American Association and nominated Samuel F. B. Morse for mayor.† He was badly beaten at the spring election, and immediately thereafter the American Protestant Union was formed with Morse as President.‡ As the autumn elections came on the Democrats put on their ticket so many friends of the Free School Society, that they were denounced by a Catholic mass-meeting, and the Whigs having forced a supporter of the Catholics off theirs, Bishop Hughes had a third, the famous Carroll Hall ticket put in the field by a mass-meeting of Irish Catholics. The result was a Whig victory, and the legislature in alarm extended the common-school system of the State to the city and ordered that in no school having a share of the fund should religious or sectarian doctrines be taught.

In Pennsylvania the establishment of free common schools was withstood vigorously. From 1809 to 1835 the State provided education for children whose parents would take oath that they could not afford to send them to private pay schools. Self-respecting poor would not submit to this act, and by 1834 more than two hundred thousand children were out of school. Then the State established free tax-supported schools, and fixed the first Friday in September for the election of directors in each school district. The sheriffs were to publish notices of the election for thirty days. On their appear-

* The Important and Interesting Debate on the Claims of the Catholics to a Portion of the Common-School Fund; with the Arguments of Counsel before the Board of Aldermen of the City of New York, on Thursday and Friday, the 29th and 30th of October, 1840.

† New York American, April 12, '841. ‡ New York Observer, June 12, 1841.

ance resistance began. Newspapers teemed with attacks on the law. In every country store, in every village tavern, at public vendues, it was a never-ending subject of bitter debate. Of the nine hundred and eighty-seven school districts four hundred and eighty-five voted against the new schools or flatly refused to take action. Scarcely had the legislature assembled in December, 1834, when petitions for the repeal of the act were received from thirty-eight counties out of fifty-one. Lancaster sent eighty-two; Berks sent sixty-three; Chester sent forty. Opposition was least along the New York border, greatest in the German counties, and formidable in the central and southeastern districts. Beyond the mountains the law was fairly well received. The Senate passed a bill suspending the law for five years. But Thaddeus Stevens in the House saved the schools. The bill was amended but not repealed, and Pennsylvania was given a free, common-school system. Pupils rushed in, new schools were opened, and the number rose from seven hundred and sixty-three in 1835 to four thousand and eighty-nine in 1837. Hard times reduced them to thirty-one hundred and fifty-one. But they rose again to over five thousand in 1841 and went on increasing in number year after year.*

Higher education had likewise been furthered. During the thirties and forties sixty-seven colleges and universities were started and still exist. Twenty-four were non-sectarian. Of the rest, twelve were founded by the Methodists, ten by the Baptists, and seven by the Roman Catholics. The Presbyterians, Lutherans, and Friends each founded three colleges; the Reformed Presbyterians two; and the Disciples, United Presbyterians, and United Brethren one each.

The West was sprinkled with colleges; yet not one of these save in the classics afforded instruction which could compare with that given in many of the high schools and academies of our time. Theological seminaries were opened at Hartford, New York, and Chicago, and the Naval Academy was founded at Annapolis. In 1850 there were eleven theological seminaries and one hundred and thirty-five colleges.

Of libraries there were six hundred and forty-four, but

* Wickersham. A History of Education in Pennsylvania, pp. 317–332.

more than two-thirds of them had less than five thousand volumes. Those owned by the colleges consisted for the most part of "donations of discarded books"; some had been gathered by students belonging to college societies for the encouragement of oratory and debate; some were State libraries consisting of public documents, Federal and State, books of statistics, political economy, and history. Many were social libraries, the property of Athenæums, Lyceums, Mechanics Institutes, Young Men's Associations, and Mercantile Libraries. In these were to be found books of a popular sort. Then there were the libraries of scientific and historical societies, academies, seminaries, and professional schools, and the public-school libraries, of which there were over eight thousand in New York State.* The great libraries of our country were then at Harvard, at Philadelphia, in the Boston Athenæum, and in the Capitol at Washington.

That the financial, the industrial, the economic conditions through which the people were passing, that their changed ideas of the duties of the State, their juster conceptions of the social and political rights of man, their struggles for a better life, should find expression in their constitutions of Government, as well as in the statute-books, was inevitable. The two decades from 1830 to 1850, and especially that from 1840 to 1850, therefore, make a period notable for constitutional reform.

Connecticut, by an amendment to her Constitution, provided that after 1830 her Senate should consist of not less than eighteen nor more than twenty-four members chosen in districts. Alabama in 1830 reduced the term of her judges from good behaviour to six years. Connecticut in 1832 established an annual election for a Lieutenant-Governor. Georgia in 1835 took off her property qualifications for Senators and members of her House of Representatives. Vermont in 1836 did away with her Council of Twelve, established a Senate of thirty members, gave the Governor a veto,

* Smithsonian Report on Libraries. House Miscellaneous Documents, No. 50, 31st Congress, 1st Session, 1849–1850. The total number of libraries in the United States is there given as 10,015, of which 9,321 were public-school libraries.

required him to return the vetoed bill within five days, allowed the veto to be overridden by a majority in both branches of the legislature, and provided that the *habeas corpus* should "in no case be suspended." Delaware in 1831, Mississippi in 1832, Michigan and Arkansas in 1836, and Pennsylvania and Florida in 1838, made new constitutions. Delaware changed the term of Representatives from one to two years and removed the freehold qualification; made the term of her Senators two instead of four years and required each to have a freehold of two hundred acres or personal property worth a thousand dollars; extended the term of her Governor from three to four years; abolished the old provision that the voters of each county should choose two sheriffs and two coroners and the Governor commission one, and substituted direct election by the people. Henceforth the legislature could pass no act of incorporation, renewals of old acts excepted, unless it received a two-third vote in both House and Senate. The new Constitution of Mississippi went further still in its restraints on the legislature; forbade imprisonment for debt if the debtor gave up all his estate; forbade the legislature to loan the credit of the State unless the bill was passed by a yea and nay vote by two legislatures; and required that a law should be enacted against duelling. There were to be no property qualifications for voting or office-holding; no life offices, and no one who denied the existence of a God or a future state or rewards and punshments should hold any civil office in the State. Representatives were to serve two years and Senators four. The Governor was given a veto, but the bill must be returned within six days and might be passed over the veto by a two-thirds vote.

Arkansas allowed her Governor but three days in which to return a vetoed bill and permitted the legislature to override it by a majority vote. The Governor must be a native-born citizen of Arkansas or of the United States, or must have lived in Arkansas ten years before 1836 if not a native of the United States, and could not serve for more than eight years in any period of twelve. No lottery could be chartered; no debtor imprisoned after surrendering all his estate,

and no person who denied the being of a God could hold civil office or be sworn as a witness in any Court in the State. The legislature might incorporate one State Bank with branches which must loan the funds belonging to the State in each county according to representation. One other banking institution might be chartered to aid the agricultural interests of the State. Bills might originate in either House; all general elections were to be *viva voce;* the General Assembly was to meet every two years; the Representatives were to be chosen from the counties every two years and the Senators every four years from districts. One-half the Senate was to retire every two years.

Michigan made her first Constitution in 1835, in the heyday of prosperity before the panic and the hard times. It contains, therefore, none of the financial restrictions on the legislature which the bitter experience of later times led the people to impose by her Constitution of 1850. By that the legislature was forbidden to incur debt to meet a deficit; to loan the credit of the State; or to authorize the suspension of specie payment by any person, association, or corporation; to subscribe to the stock of any company, association, or corporation; to issue scrip, certificates, or evidence of State indebtedness, and was required to submit every banking law to popular vote.

The people of Florida in 1837 voted on the question of Statehood and decided to form a Constitution. The Territorial Council accordingly called a convention which met at St. Joseph and framed a Constitution, under which she entered the Union in 1845.* Her Governor was to serve for four years and be ineligible for reelection until he had been four years out of office. He must have been ten years a citizen of the United States and five a resident of Florida; could be impeached; had the pardoning power and a veto; but must return the bill within five days. A majority vote was enough to pass a bill over the veto. Voters were to be white male citizens of the United States two years resident of Florida, and, unless exempt, must be enrolled in the militia. No president, cashier, or director of a bank could

* Executive Documents, 25th Congress, 2d Session, vol. iv, Document No. 208.

be eligible to the office of Governor, Senator, or Representative, nor for twelve months after he ceased to hold his office. No collector or holder of public money could sit in either branch of the legislature. Members of the House of Representatives were to be elected annually and Senators every two years.

The new constitution of Pennsylvania reduced the term of Senators from four to three years, changed the tenure of judges from good behavior to a few years, restricted the suffrage to white freemen, and forbade the chartering of a banking corporation unless six months public notice had been given. Every such charter must reserve the right of the State to alter, revoke or annul it.

In 1840 Georgia adopted the biennial system, and in 1842 the Dorr War, the most remarkable struggle for constitutional government in our history, took place in Rhode Island.

The instrument of government under which the people of Rhode Island were then living was the ancient charter granted by Charles II in 1663. Time and time again, as in 1777, 1797, 1811, and in 1817, half-hearted attempts were made to replace the old charter with a modern-written constitution. But the people took no real interest in the issue and one and all failed. After the Long Embargo, the non-importation and non-intercourse acts and the second war with Great Britain had diverted capital from ships and commerce to mills and factories, and the tariff of 1816 gave to the rising manufactures of our country a mild and temporary protection, Rhode Island in common with many of her sisters became a manufacturing State, and drew into her towns and cities thousand of mill-hands who, having no freehold, were disfranchised and could neither hold office nor cast a vote. That they should be discontented was natural, for the years 1818 to 1821 were preeminently a period of constitution-making. During them Indiana, Illinois, Alabama, Mississippi, Maine, and Missouri entered the Union, Connecticut abandoned her ancient charter and adopted a Constitution, and New York and Massachusetts radically amended theirs. Everywhere the franchise was being extended, and this struggle for manhood suffrage found expression in Rhode Island

in the agitations of 1820, 1821, 1822, 1823, and in the Constitution framed in 1824 and rejected by the people.*

The movement for a more liberal suffrage, however, would not be downed. The hotly contested elections of 1824 and 1828, the spread of the Democratic ideas of the right of the people to rule and to choose their rulers, the increase in the number of elective officers, the adoption of manhood suffrage by New York, the removal of the restriction which shut Jews from office in Maryland, the agitation for a broader suffrage in Virginia, were all part of a great political revolution to which the disfranchised in Rhode Island could not be indifferent. Little wonder, then, that in 1829 petitions from the towns of Warren, Bristol, and Providence were presented to the Assembly, where, of course, they received scant consideration. The committee in reporting on them defended the freehold qualification, denounced Democracy as the curse of every nation that had ever adopted it, and told the petitioners that they had a right to qualify themselves as the law directed, but no right to be voters without such qualifications. Suffrage was undoubtedly the basis of free elective government, but it was subject to the control of the people, and their forefathers having seen fit to restrict it "to the sound part of the community, the substantial freeholders of the State," their descendants had a right to adhere to the restriction so imposed.

No more was heard of the matter till some five years later, when, in response to a call from two towns in the north end of Providence County, delegates from ten towns met in convention and appointed a committee to address the people. The writer of the address was Thomas W. Dorr, who maintained that when the colonies severed the political ties that once bound them to the mother country, all obligation to obey a royal charter ended; that in the case of Rhode Island the sovereignty of the king passed not to the Governor and Company of Rhode Island and Providence Plantations, but to the people; and that the people then acquired the right to estab-

* The yeas were 1,668 and the nays 3,206. Thirty-one towns declared against the Constitution and nine for it. The provisions for representation led to its rejection.

lish a Constitution of their own making. This right had never been exercised; but it was high time to use it, and Dorr called on the people to appoint delegates to a convention to frame a liberal and permanent Constitution of Government. At this stage the Assembly forestalled action by calling a convention which met in September, 1834, adjourned to November, and then again till February, 1835, and finally till June. Then its members failed to appear, and during another period of five years the suffrage movement slumbered and slept. In January, 1840, however, when the Log Cabin, Hard Cider Campaign was stirring the country, there was suddenly scattered broadcast over the State a pamphlet entitled, "An Address to the Citizens of Rhode Island who are denied the Right of Suffrage." It purported to come from the First Social Reform Society of New York; but, it is said, was written in Rhode Island. The people of each town were urged to hold primary meetings, call a State Convention, elect delegates and append to the credentials of each member a list of the voters. The Convention, it was proposed, should canvass the votes, and if the whole number cast was greater than at the last general election for members of Congress, then the Convention was to consider itself the representative of a majority of the people and fully authorized to frame a Constitution. Under the Constitution so made members of Congress were to be elected who should go to Washington and claim seats in the House of Representatives, which would thus be forced to decide whether the Royal Charter of King Charles, or the Constitution framed by the people, embodied that Republican form of Government which the Federal Constitution guarantees to each State in the Union.

Aroused by the address the people began to act. The Rhode Island Suffrage Association was formed, a suffrage newspaper called the *New Age* was issued, and a declaration of principles was put forth by the Suffragists. In January, 1841, a petition from them praying the General Assembly to call a convention to frame a Constitution was promptly laid on the table. But a memorial from the town of Smithfield, asking the Assembly to take into serious consideration the great inequality of representation, was considered and re-

ported on so favorably that the freemen of the towns were authorized to elect delegates to a convention to meet in November and frame a Constitution, in whole or in part, to be submitted to the people. Nothing was said concerning a change in the suffrage qualifications; but should a Constitution in part be framed, the convention was to give special consideration to the expediency of equalizing the representation of the towns in the House of Representatives.*

That such a convention, elected by the same man who voted for members of the Assembly, would give the people that liberal franchise which the Assembly could, but would not give, was idle to expect. The Suffragists, therefore, determined to go on with their agitation, and the *New Age* suggested a resort to the tactics which had been so successful in the Log Cabin Campaign and urged a great mass-meeting at Providence. The meeting was called, and on April seventeenth some three thousand men marched in procession through the streets of Providence. Each wore a badge inscribed "I am an American Citizen," and many carried banners with such mottoes as "Worth makes the Man; but Sand and Gravel make the Voter"; "Virtue, Patriotism, and Intelligence Versus One Hundred and Thirty-four Dollars' Worth of Dirt"; "Liberty shall be Restored to the People"; "Peaceably if we Can, Forcibly if we Must."

The success of the Providence meeting led to another at Newport, and to a second at Providence from which issued a call for a People's Convention to meet in October and frame a Constitution of Government. On the appointed day, the first Monday in the month, the delegates met and by Saturday had completed a Constitution and adjourned to meet in November in order that the people, meanwhile, might examine their work and suggest changes. Truly did the Providence *Journal* observe that the spectacle of a body of men assembled without legislative authority and proceeding day after day without let or hindrance to overthrow the Government under which they lived, was such as could have been presented in no other country on the face of the earth.

* Resolution passed February 6, 1841.

November fifteenth the Convention met again, made a few changes in the text of the Constitution, and then submitted it to the people for ratification or rejection at the end of December.

The Freemen's or Landlord's Convention met on the first Monday in November, held sessions during two weeks, and then adjourned to meet again in February, 1842.

Voting on the People's Constitution began on December twenty-seventh, was continued on the two following days, and when it ended some ten thousand two hundred ballots had been deposited. This, however, did not end the election, for the Constitution provided that during the next three days proxies should be received from any qualified voter, who, because of sickness, or for other cause, was unable to attend the town or ward meeting assembled for voting on the Constitution. Proxy votes thus brought in raised the total number of ballots cast to nearly fourteen thousand.

The voting over, the People's Convention reassembled in January, 1842, canvassed the ballots, declared the Constitution adopted, ordered it to be proclaimed " the paramount law and Constitution of the State of Rhode Island and Providence Plantations," and sent certified copies of the report of the committee that canvassed the votes, of the Constitution, and of the resolutions declaring it in force to the Governor for transmission to the General Assembly. That body promptly resolved that the acts done by the People's Convention were an assumption of the powers of Government, that they were in violation of the rights of the existing Government, and that the Freemen's Convention was the only body that could lawfully frame a constitution.

Though the Assembly would in no wise recognize the work of the People's Convention, it was forced to admit that the fourteen thousand votes cast for the People's Constitution showed a real wish for a more liberal suffrage, and, yielding to this, resolved that all persons who should be qualified to vote under the Freemen's Constitution should be qualified to vote on the question of its adoption.

The Freemen's Convention reassembled about the middle of February, finished its constitution, and selected three days

in March when voters might approve, or disapprove, the new plan of government.

With the details of the two plans thus framed and presented to the people we need not be concerned. It is enough to pass in review the provisions of each touching the two great issues which had caused all the trouble, suffrage and town representation. Suffrage by the People's Constitution was to be extended to every white male citizen of the United States, twenty-one years old, who, prior to the election at which he offered his vote, had resided one year in the State and six months in the city, town, or district. No elector, however, who was not possessed in his own right of one hundred and fifty dollars of taxable property and had not paid a tax assessed on it for one year preceding the election at which he offered his vote, was to be allowed to vote on questions of taxation or the expenditure of public money, in the town, city, district, or ward in which he lived.

The Freemen's Constitution was tainted with native Americanism. Every white male native citizen of the United States who was of full age and had resided for two years in the State, and during the six months next preceding the election had dwelt in the town or city in which he offered his vote, was to have the suffrage. If, however, he owned, in the town where he resided, freehold real estate to the value of one hundred and thirty-four dollars the terms of required residence was reduced to one year. A foreign-born citizen in order to vote must reside in the State three years after naturalization, and in the town or city for six months before the election, and be seized in his own right of a freehold real estate worth one hundred and thirty-four dollars over and above all encumbrances. None but freemen, or a man possessed of the freehold qualification, or who had paid a tax on property worth one hundred and fifty dollars within a year of the time he offered to vote, was to be suffered to vote on any motion to impose a tax, or incur expenditure in any town or city.

Representation by the People's Constitution was fixed. To each town was assigned a certain number of representatives. Some had one, some two, others three, four, or five, and Providence twelve. In the Freemen's Constitution rep-

resentation was based directly on population and varied from two for each town under four thousand inhabitants to eight for cities of at least twenty-two thousand. Leaving out of consideration the question of the suffrage, the two constitutions were practically alike, and as the Freemen's had the advantage of regularity, of having been framed by a convention called and upheld by the law-making power, many of the Suffragists now began to waver in their loyalty to the People's Constitution. The legal status of that instrument seemed very doubtful and was well-nigh destroyed by an opinion of the Justices of the Supreme Court. They had been asked, in an unofficial way, for their views on its validity, and replied that the People's Convention was assembled without law, that in framing a constitution it proceeded without law, that the votes given had no binding power whatever, and that any attempt to put it into effect by force would be treason against the State.* Alarmed at so emphatic a statement from so high an authority, Dorr made haste to draft a counter opinion which nine lawyers signed. The Revolution, it was said, transferred the sovereign power from the King to the people of Rhode Island. Sovereign power in a State was the power that prescribed the form of government, and this power had called the People's Convention which framed the People's Constitution. The General Assembly, as the servant of the people, might also request the sovereign power, the people, to form a constitution, and had done so. The two conventions were therefore alike in authority. When the justices used the words "without law" they meant without request of the legislature. No law gave the legislature sole authority to call a convention. The people, therefore, in framing and voting for a constitution had violated no law, had defied no law, but had acted within their rights.

When the elections came off eight thousand and thirteen men voted yeas and eighty-nine voted no, and the Freemen's Constitution was rejected. And now the crisis was reached. Had the Constitution been adopted, the mass of the Suffragists would have been content, government would have passed to the people, and there would have been no excitement, no

* Providence Journal, March 3, 1842.

peace-breaking, no Dorr War. The rejection of the Freemen's Constitution left the issue with the Suffragists, who, insisting that the adoption of their constitution had overthrown the charter, went on with their preparations for a general election and put before the people a ticket for State officers headed by Thomas W. Dorr.

Election day was to be the eighteenth of April. Ere it came, however, the course of the Suffragists received three heavy blows. The General Assembly enacted what the Suffragists called the "Algerine Law," the Governor, acting under orders from the Assembly, put forth a warning proclamation, and an earnest appeal for Federal aid was made to Tyler, an appeal which he answered by a letter which was published on the eve of the election.

The Algerine Law declared null and void all meetings for election purposes other than those provided by law, prescribed fine and imprisonment for all who served as moderators, wardens, or clerks of such election meetings, or allowed their names to be used as candidates, and made any person who assumed a State office because of such election guilty of treason and subject to imprisonment for life. The proclamation charged certain citizens with conspiring and confederating to usurp the Government of the State, with deceiving and seducing honest and well-meaning citizens to engage in criminal enterprises, and warned all such to withdraw.*

The appeal to Tyler set forth that Rhode Island was threatened with domestic violence, that the legislature could not be assembled in time to apply to the President for the protection guaranteed by the Federal Constitution, and that the call was, therefore, made by the Governor. Another letter which accompanied the formal appeal assured Tyler that a proclamation from him and the presence of an army officer would do much to convince the disaffected that a conflict with the Government of Rhode Island might involve them in a contest with the Government of the United States.† Tyler replied that before he could interfere there must be actual insur-

* Proclamation of April 4, 1842.

† Burke's Report. House Reports No. 546, 28th Congress, 1st Session, vol. iii, pp. 656, 657.

rection made manifest by lawless assemblages of the people, as the Constitution gave him no authority to anticipate insurrectionary movements. Should an insurrection exist against the Government of Rhode Island, and a requisition be made for that protection which the Constitution guarantees to each State, he would not be found to shirk from the performance of his duty. On the contrary, he would respect the requisition of the Government, which had been recognized as that of the State for so many years, until advised, in a regular manner, that it had been altered and abolished and another substituted by legal and peaceable proceedings.*

Such was the state of affairs when, on the eighteenth of April, the general election under the People's Constitution took place, and a Governor, Lieutenant-Governor, Secretary of State, Treasurer, Attorney-General, and legislature were chosen. By that act, every man who voted, together with the one hundred and eighty moderators, clerks, and candidates for the general offices, the Senate, and the House, came under the penalties of the Algerine Law. To enforce that law it would be necessary to call out the militia, but so certain were the Suffragists that the militia would not obey that the chartered militia and volunteer companies were invited to act as escort to Governor Dorr and the People's General Assembly when the new government was inaugurated on the third of May, at Providence. The newly elected Charter Assembly was to meet and the reelected Governor King was to be inaugurated at Newport on the fourth of May.

When the appointed day came a dense crowd of Suffragists and sight-seers from all parts of the State gathered in the square before one of the taverns whence the People's Governor and Assembly, escorted by some militia and a great procession, marched to an unfinished foundry, where the Assembly organized and Governor Dorr delivered his inaugural address. The session thus begun lasted two days, during which time Dorr was requested to inform the President, both Houses of Congress, and the Governors of the States of the adoption

* Tyler to Governor King, April 11, 1842. House Reports No. 546, 28th Congress, 1st Session, vol. iii, pp. 558, 559; also House Report No. 581, pp. 122–124.

and establishment of the People's Government; to proclaim to the people of Rhode Island that it was duly organized, and to call on them to obey the Constitution and the laws made by its authority. The Algerine Law was next repealed, committees were appointed to demand and receive the papers, documents, records, money, and what not in the offices of the Secretary of State and of the Treasurer; some acts of the old Government were amended, and this done, the Assembly adjourned, as it supposed, till the first Monday in July, but, as it proved to be, forever.

The Charter Government was duly inaugurated on May fourth at Newport and promptly called on Tyler to interpose the authority of the United States to suppress the People's Government, uphold the existing government, and protect the State from domestic violence. The speaker of the House and a Senator were at once despatched to Washington with a copy of the resolution, and on the same day Dorr sent off two messengers with the resolutions of the People's Assembly and soon followed them himself. Again Tyler replied to Governor King that he could not interfere till resistance to the execution of the laws became so serious that it could not be overcome by a civil posse.*

Without Rhode Island, meantime, the struggle had become a party issue. Everywhere the Whigs supported the Whig Governor King, and denounced the Suffragists as "Destructives," "Levellers," "Anarchists." The Democrats rallied to the side of Governor Dorr, and early in May at Philadelphia issued a call for a town meeting. All citizens who recognized the rights of man were invited to attend and express their opposition to the use of Federal troops to overcome, and perhaps shoot down, the patriotic citizens of Rhode Island who were struggling to set up a Republican Government in place of the Royal Charter granted as a boon by that profligate, King Charles II of England.† The meeting thus summoned upheld the action of the people of Rhode Island, denounced the slander poured on the new republic by the

* House Reports No. 546, p. 676; No. 581, pp. 125, 126. National Intelligencer, May 14, 1842.

† Pennsylvanian, May 9, 1842.

aristocratic press, and declared that the people would hold John Tyler responsible for all consequences, whatever they might be.*

Two days later Dorr, on his way back from Washington, reached New York, and was warmly welcomed by the leaders of Tammany Hall, was escorted to the Bowery Theatre, was entertained by the Chiefs, held a public reception in the Hall, and was accompanied to the Stonington boat by a crowd of citizens, led by firemen and a brass band. Scarcely had Dorr departed when a call went forth for a public meeting in the Park to take such action as might be necessary "in view of the threatened interference of the United States Government to put down the free people of Rhode Island." Thirty-six citizens signed the call. Most of them are long ago forgotten; but two, William Cullen Bryant and Samuel J. Tilden, are still remembered. Twelve thousand people, it was said, attended the meeting and shouted Aye to a series of resolutions which roundly abused the President.

Dorr meantime reached Providence where a thousand or more of his supporters, some fully armed, escorted him from the railroad station to his headquarters. Before dismissing the escort Dorr, standing in his carriage, made a speech. He described his reception in New York, announced that he had been promised five thousand men, that they could be had at any time, and drawing a sword given him in New York, made some remarks as to its use. No two of his hearers who testified at his trial, and no two of the journals that reported this incident, agree as to what Dorr said, but his words seem to have been inflammatory.

The day following Dorr's return, the seventeenth of May, was one of great uneasiness. Nobody knew what would happen, but everybody felt sure a serious crisis was at hand. Tradesmen closed their shops, operators left the mills, the streets were full of people and business generally suspended. Toward the middle of the afternoon Dorr sent some militia that were guarding his headquarters to seize a couple of field-pieces belonging to the artillery company. Governor King at

* Pennsylvanian, May 10, 1842; New York Evening Post, May 13, 1842; New York Courier and Enquirer, May 13, 1842; New York Evening Post, May 16, 1842.

once summoned the Providence militia to be ready to move at a moment's notice, ordered the militia outside the city to report at once armed and equipped for service, and placarded the walls with a call to the citizens to go to the State Arsenal and "take arms." * Alarmed at this action of the Charter Governor, Dorr decided to take the arsenal, and about two on the morning of the eighteenth set off in the darkness and the fog with some two hundred followers and the field-pieces. A demand for a surrender of the building and stores was haughtily refused. Dorr, thereupon, ordered fire to be opened with the cannon. Twice the attempt was made; twice there was a flash in the pan, and with those flashes the courage of the little army went out in smoke. Men deserted by dozens, and when daylight came Dorr with some fifty men and the worthless cannons went back to headquarters. About eight o'clock a letter informed Dorr that all the officers of his government then in Providence had resigned, and an hour later he was in full flight toward Woonsocket. A part of the Dorr army made a show of resistance, took possession of a hill and threw up a slight intrenchment, but the following morning they too disappeared, and the abandoned guns were taken back to the arsenal. Meantime eighteen members of the People's Assembly publicly disclaimed all sympathy with Dorr's attack on the arsenal and resigned.

The Whig press hailed the flight of Dorr and the collapse of his government with bad poetry, puns, jokes, and derision. The Boston *Atlas* dubbed the affair The Jack Dorr Comedy. The New York *American* asked, "Why is Suffrage Governor Dorr tossed to and fro like a shuttlecock?" and answered, "Because he is not a battle-Dorr." At New York the tidings were received the very day the *New Era* published a series of resolutions calling for volunteers and pledging the undersigned to organize patriotic volunteer companies to march, on the call of Governor Dorr, to aid their brethren in Rhode Island in the event of any armed interference by the Federal

* To the Citizens of Providence!!! You are requested forthwith to repair to the State Arsenal and take arms. SAMUEL W. KING,
Governor of the State of Rhode Island.
PROVIDENCE, May 17, 1842, 6 o'clock P.M.

Government.* At Philadelphia a call for a public meeting was issued. It was headed, "Rhode Island and Liberty! Free Suffrage and no Charter Government of a British Monarch," and urged the attendance of all men ready to uphold the principles of the Declaration of Independence despite the threats of the President, the incendiary movements of the King Charles party, and the Tory press of the country.† The *Globe* remarked that if all had been as true as Dorr the people would have obtained their rights without force. The legislature should never have adjourned. An attempt to imprison a whole legislature would have aroused the people and the King government would have disappeared. The adjournment of the legislature and the resignations of the officials was an abandonment of the people by those whom they had elected to office and a betrayal of their cause. To the disfranchised citizens emigration seemed the only way of getting rid of the badge of degradation. Other States would welcome such men.‡

Early in June rumors became current of an intended encampment of Dorr's men at Woonsocket; of meetings at Scituate and Chepatchet; of an encampment to be made at Smithfield; of a depot of arms in Connecticut; of a gathering of armed men at Diamond Hill Plain; and of an attempt to capture the cannon and ammunition of the artillery company at Warren.

While these rumors were flying about the Assembly met for its June session at Newport, called a constitutional convention, and adjourned to Providence. There an act establishing martial law was passed § and Governor King promptly issued a proclamation putting the State under martial law. Dorr, who after his flight had visited New York, now returned to Connecticut with some twenty men from New York, a company called in derision the Spartan Band, and was informed that five hundred of his followers had gathered

* New York Courier and Enquirer, May 21, 1842; National Intelligencer, May 24, 1842.

† Pennsylvanian, May 23, 1842. The proceedings of the meeting are given in the same newspaper for May 25.

‡ The Globe, May 30, 1842.

§ June 25, 1842.

without orders at Chepatchet, a little town in the northwest corner of the State not far from Connecticut and Massachusetts. Hastening to the spot, Dorr found that some two hundred men had begun to fortify Acote's Hill near the centre of the village. Against this the State troops advanced with great caution to find the hill without a defender, Dorr a second time a fugitive, and his army scattered over the countryside.

All resistance was now at an end. Yet the Charter government was not ashamed to maintain martial law till the eighth of August, during which time hundreds of Dorrites were arrested* and hundreds of houses searched for concealed weapons and hidden men. A reward of five thousand dollars was offered for "the delivery of the fugitive traitor Thomas W. Dorr to the proper civil authority." † But a year and more went by before he returned to the State, was arrested, tried, convicted, and sentenced to prison for life, a sentence he was not doomed to undergo. The people of Rhode Island having overthrown their Charter government and peaceably adopted a constitution in 1843, sympathy for Dorr grew rapidly, and in 1845, on petition of his parents, the Assembly ordered that he be liberated after taking a prescribed oath of allegiance. This Dorr refused to do, but the agitation for his release went on, Liberation Societies were formed, and at the spring election of 1845 a liberation Governor, pledged to pardon Dorr, was elected, and in June, exactly one year after his imprisonment, Dorr was a free man. In 1851 the Assembly restored his civil and political rights, and in 1854 reversed the decision of the Supreme Court of the State and ordered the clerk to write across the face of the record of judgment the words, "Reversed and Annulled by order of the General Assembly at their January Session, A D. 1854."

One other case which arose from the events of the Dorr War is often cited, and is known in the reports of the Supreme Court of the United States as that of Luther *vs.* Borden.

The next constitution to be formed was made by the

* The brutal treatment given many of these men is narrated in Mowry's The Dorr War, pp. 229, 230, a book to which I am greatly indebted.

† Proclamation of Governor King, June 29, 1842.

pioneers and frontiersmen of Iowa. The Territory had been cut off from Wisconsin in 1838 and had scarcely begun its independent career when the Governor urged the Territorial Assembly to petition Congress for an enabling act authorizing the people to frame a State constitution, and to call a convention to make the constitution as soon as authority was given. For a while the Assembly refused, for Statehood, it was said, would increase the burden of taxation, would throw the cost of government on the people, would not benefit the farmer, the merchant, the mechanic, or the miner, and was not called for by present conditions. The people had ample liberty under the Territorial Government provided by Congress.*

Defeated in his first attempt, the Governor urged that the question be submitted to the people. The Assembly so ordered, and in August, 1840, the people by a large majority answered no.† But the issue would not down. The Democratic Governor Lucas was succeeded in 1841 by the Whig Governor Chambers, who persuaded the Assembly to again submit the question to the people in 1842.‡ Democrats and the Democratic press favored a State constitution and admission into the Union. Whigs and the Whig press were opposed. Those for Statehood urged that population would increase because immigrants preferred to settle in States rather than in Territories; that Iowa would gain in influence in Congress and perhaps get an appropriation for improvements at the rapids of the Mississippi; that the people would have a voice in the election of the next President, and would elect their own Governor, and finally, that if Iowa did not make haste to get admission into the Union, Florida would be paired with Wisconsin, and Iowa would have to wait till another slave State was ready for admission. The Territorial condition was declared to be one of colonial dependence, of colonial vassalage, and those who opposed Statehood as no better than the Tories of the Revolution.

Those who were against a change in the form of govern-

* History of the Constitutions of Iowa, B. F. Shambaugh, pp. 146–148.

† Ibid., p. 153. For a convention, 937; against it, 2,907.

‡ Ibid., pp. 156–170.

ment declared that they were satisfied with things as they were and saw no reason for a change; that Iowa was too young to become a State and that it was better to have the cost of Territorial Government paid by the United States than the greater cost of State Government paid by the people. Salaries of the Governor, judges, the secretary, and the members of Assembly; the cost of printing the laws, and many incidental expenses were all paid by Congress. Let Iowa become a State and all these would have to be met by increased and heavy taxes. To this it was answered that Iowa's share under the act distributing the land sales and the five hundred thousand acres she would, under the same act, receive when a State, would meet and more than meet all increase in expenses. But the people were doubtful and again returned a heavy majority against the proposition to call a convention. In spite of two defeats, the Governor and the Assembly still persisted, and for the third time the people voted on the question in 1844. Then the tide turned, a majority declared for a convention, and in October seventy-two delegates met to frame a constitution.

The debates in the convention well set forth the political and economic ideas then prevalent in the West. It was decided that elections should be frequent; so the Governor was to serve for two years, the General Assembly was to meet every two years, the Representatives were to be elected every two years, and the Senators every four years.

A strong effort was made to strip the Governor of his veto. It was a trammel, a needless check on the freedom of legislation. The law of progress demanded that it be thrown to the wind. Others upheld it as the people's safeguard against hasty, corrupt, ill-advised and over-legislation. A goodly number of delegates demanded the election by the people of the justices of the Supreme Court and the judge of the District Court, but the convention provided for election of justices of the Supreme Court by the General Assembly and of judges of the District Court by the people, and limited the terms of all judges to four years. Nearly all agreed that restrictions of some sort should be laid on the power of the legislature to charter banks, banking institutions, and cor-

porations, but as to just what the restrictions should be there was much difference of opinion. Some insisted that no bank should ever be chartered by the State. Some were for leaving the matter to the legislature and the people. The majority of the Committee on Incorporations reported in favor of one bank with one branch to each six counties, with no power to issue bills under ten dollars, and with stockholders liable for the debts of the bank and its branches. The charter, after passing the legislature and the Governor, must be submitted to popular vote. One member declared that all banks were swindling institutions, another that they were unconstitutional, oppressive to the laboring classes, and a curse to the country. A third would like to put his feet on the neck of this enemy of mankind.* The convention finally decided that no bank should be established till its charter had been voted on by the people, and that the State should never hold stock in any bank. No act of incorporation of any sort was to be for a longer period than twenty years; no property of a citizen was ever to be taken by a corporation without his consent, and the real and personal property of stockholders of a corporation were to be liable for its debts.

The constitution having been framed, the mistake was made of submitting it to Congress before the people had acted. In the House of Representatives the Committee on Territories promptly reported a bill for the admission of Iowa and Florida. Opposition was at once made to the Constitution of Florida because it shut free negroes out of the State and forbade the General Assembly to pass any law for the emancipation of slaves; and to the Constitution of Iowa because the State was too large. Florida was not required to change her constitution; but, ere the bill passed the House, the boundaries of Iowa were cut down.† No amendments were made by the Senate and on March third, 1845, Tyler signed the bill.

The question of ratification meantime was hotly debated by the people of Iowa. Those who opposed ratification did so because they were Whigs and did not want three more votes

* Shambaugh's History of the Constitutions of Iowa, pp. 220–226.

† Congressional Globe, 28th Congress, 2d Session, pp. 269, 273–275, 282–286.

cast for a Democratic President in 1844; or because they were against Statehood for Iowa, or because they disliked the constitution itself. These latter objected to the veto; to allowing the Lieutenant-Governor to take part in the debates in the Senate; to the popular election of judges of the lower courts; to biennial elections; to the restrictions on chartering banks, and to the provision in the Bill of Rights that a witness, no matter what his religious opinion, might testify in court. In the midst of the popular discussion came the news that Congress had cut down the proposed boundaries of Iowa. This was too much, and when the vote on ratification was counted the majority against the Constitution was nine hundred and ninety-six.*

Amazed and angry at the result, the friends of the Constitution clamored loudly for a resubmission. The Assembly passed, over the Governor's veto, a bill to resubmit it, and in August, 1844, it was a second time rejected by the people. The movement toward Statehood, however, had gone too far to be laid aside, and in 1846 a second convention framed a second constitution which was adopted by the people before submission to Congress. The term of the Governor was made four years, and no Lieutenant-Governor was provided; justices of the Supreme Court were to be elected by the people; the legislature was forbidden to charter a lottery, or grant a divorce, or enact a law which embraced more than one subject which must be expressed in its title. No corporations were to be created by special laws; the property of each was to be taxed the same as that of individuals, and the State could not be a stockholder. The credit of the State was never to be pledged to any individual, association, or corporation, nor any debt contracted save to make good a deficit, or supply a shrinkage of the revenue, and even then the debt must not exceed two hundred and fifty thousand dollars. Corporations with banking privileges or with authority to issue paper to circulate as money were absolutely forbidden. There might, however, be a State bank with branches, but it could never suspend specie payment and its stockholders must be liable for its debts.

The boundary defined in the new constitution was a

* Shambaugh's History of the Constitutions of Iowa, pp. 256–271.

compromise between that asked by the State and that offered by Congress; an amendatory act was therefore passed * and under it Iowa entered the Union.

By that time more constitutions had been framed, by New Jersey, Texas, Louisiana, and New York. In each of them economic issues of the time were reflected. New Jersey provided for the annual election of the House and one-third the Senate; forbade imprisonment for debt in any action or on any judgment founded on contract, unless fraud was shown; forbade the chartering of lotteries and the sale of lottery tickets; required every act to embrace one subject clearly expressed in the title; forbade the credit of the State to be loaned directly or indirectly, or debts created which collectively exceeded one hundred thousand dollars; limited all charters to twenty years; and required the assent of three-fifths of both Houses to pass a bill granting, altering, continuing, or amending a charter of any bank or moneyed corporation.

Louisiana removed the tax-paying qualification from her voters; the property qualification of one thousand dollars from her Senators and five thousand dollars from her Governors, but required a Senator to have been ten years and a Governor fifteen years a citizen of the United States. The old way of requiring the legislature to elect a Governor from the two candidates having the highest and next highest popular vote was now changed to a direct election by the people. The legislature was forbidden to pledge the credit of the State for the payment of bonds or bills of individuals or corporations; to incur debts exceeding in the aggregate a hundred thousand dollars; to charter a lottery or allow the sale of lottery tickets; or grant a divorce; or charter a corporation with banking privileges. Every bill must relate to but one subject, taxation must be equal and uniform, and no corporation could be chartered by special legislation.

The legislature of Texas was forbidden to authorize a lottery or the sale of lottery tickets, or create, renew, or extend a corporation with banking or discount privileges; or incur a State debt of more than a hundred thousand dollars, or

* Act of August 4, 1846.

charter a private corporation of any sort unless the bill passed each branch by a two-thirds majority. The legislature was required to prohibit individuals issuing bills, checks, or promissory notes to be used as money, and might exempt from taxation two hundred and fifty dollars' worth of household furniture or other property belonging to each family in the State.

Imprisonment for debt was forbidden, no divorces were to be granted by the legislature, and all real and personal property owned by the wife before marriage, or acquired by gift or divorce after marriage, was to be her separate property. The legislature was required to enact laws clearly defining the rights of the wife and providing for the registration of her property. The homestead of a family, not exceeding two hundred acres, or town or city lots not over two thousand dollars in value, were henceforth not to be subject to forced sale for any debts. The legislature might by law exempt from forced sale a portion of the property of all heads of families.

Connecticut in 1845 removed her old property qualification required of voters and gave the franchise to every white male of full age. Arkansas in 1846 amended her Constitution, forbade any bank or banking institution to be thereafter established in the State, and Alabama changed from annual to biennial sessions of the legislature. New York in her new constitution abolished all feudal tenures of every description, declared all lands within the State to be allodial, limited to twelve years all leases or grants of agricultural lands in which rent or services of any kind were reserved, and declared all fines, quarter-sales or like restraints on alienation in any grant of land thereafter made to be void. The legislature was forbidden to create a corporation by special act save for municipal purposes, or grant any special charter for banking purposes, or directly or indirectly sanction suspension of specie payments by any individual, corporation, or association issuing bank-notes of any description, or pledge the credit of the State in aid of any individual or corporation, or contract debts amounting in the aggregate to more than a million dollars save to repel invasion, put down insurrections or defend the State. When money was needed for some special purpose the act must specify the amount, provide by direct an-

nual tax for the payment of the interest annually and the discharge of the principal within eighteen years, and must be submitted to the people and be approved by a majority of the votes cast for and against it. All bills and notes issued as money must be registered and their redemption in specie amply secured. Stockholders of banks and corporations issuing bills or notes to circulate as money were, after January first, 1850, made liable for corporate debts to the amount of their respective share or shares of stock.

During the debates in the New York Convention an attempt was made to secure to every married woman the right to hold, after marriage, the real and personal property which was hers before marriage. The moment the nuptial knot is tied, said the advocates of this wise reform, the bondage of the wife is as complete as that of a Southern slave. Her husband at once becomes owner of all rents, income, and profit of her lands, and if he had issue and outlived her, he had a freehold estate in the whole property during his life. These interests could be taken for his debts or disposed of as he saw fit. Her household property and personal estate were absolutely his. All property coming to her during the marriage state was his, and she had no voice in the administration of it. What did she get in return? If her husband were a man of character and probity all would go well. But if a bad man and by his cruelty drove her from home there was no remedy. The law, indeed, protected her from cruelty, and so it did animals and to about the same extent. All this was wrong, was against the spirit of civilization, was unworthy of a great people and ought to be abolished.

This question, said the antireformers, has been many times before the legislature. If the people wished for a change in the law they would have demanded it. No such call has been made. Such a separation of interests would cause domestic strife. This cry of injustice to woman is a phantom, an offspring of delusion, an attack on foreign adventurers and fortune-hunters in the interests of the daughters of millionaires, not for the benefit of the daughters of the plain people.

The abolition of feudal tenures and quarter sales was the result of that economic struggle known as the anti-rent war.

It will be remembered that in the spring of 1840 the legislature appointed a commission to hear and report on the grievances of the Van Rensselaer tenants.* The meeting between the tenants of seven western townships of Albany County, the attorney of Van Rensselaer and the commissioners, ended in failure, and the legislature took no further action. But the complaints of the people were not silenced. Discontent spread to the east side of the Hudson, and in every settlement of importance on the estate associations of down-renters were formed. Branches sprang up and the whole leasehold district was soon covered with a network of affiliated associations. Lecturers were employed to travel from place to place to denounce the leasehold system and urge the tenants to resist, and a tax of two cents an acre was laid on the lands of all members of the associations. As the agitation grew, meetings were held, platforms adopted and petitions sent to the legislature. The people complained that the farmers paid all the local and State taxes and the proprietors none. They complained of the quarter sales as unjust, and of the reservations in the leases of water privileges, mineral rights, and of the right to cut wood and build roads across the farms. They prayed that laws might be enacted making rents payable in money, forcing the landlords to sell to the farmers at prices to be fixed by a commission; forbidding any man to own more than a thousand acres, and abolishing distress for rent, and that the State, as a last resort, seize the land under its power of eminent domain, give the landlords a fair price, and then sell the farms to the occupants.

When petition brought no relief the reckless and lawless betook themselves to violence and, disguised as Indians, began again to withstand the sheriff. At the sound of a dinner horn a down-renter of this sort would drop his work if he had any, pull over his head and face a sheepskin cap decorated with a tuft of feathers, a whisp of horse-tail, or a pair of horns, don a calico coat, tie a colored sash about his waist and, seizing a gun, a pistol, a club, or sometimes a bow and arrows, would hasten on horseback, or afoot, to the gathering place.

* History of the People of the United States, vol. vi, p. 523.

Thence in company with a hundred others disguised like himself, and led by a commander known as Big Thunder, Little Thunder, or White Chief, he would go off to maltreat some officer of the law sent to serve a warrant or a writ.

Thus it happened in July of 1844 that the sheriff of Rensselaer County, while on his way to serve a writ, was met by a hundred Indians, who seized him and burned his papers, tarred a couple of his deputies, and sent his posse back to Troy.* In August, Governor Bouck attended a meeting of down-renters at West Sand Lake. When it was proposed to submit the rent issue to the Governors of any three New England States save Connecticut, he objected. All of them, he said, except the Governor of Massachusetts, who was a lawyer, were common men like himself, and no better able to decide the question. He then advised his hearers to stand firm and resist all attempts to collect the rents.†

On another occasion, as the sheriff and three deputies were on their way to make levies, a band of Indians met them on the highway, seized the sheriff, and after a struggle took his papers, tarred his clothes and, pulling up his pantaloons, tarred and feathered his ankles. The deputies were then made to jump up and down and cry "Down with the Rent" till exhausted. The sheriff denounced his deputies as cowards and refused to go back with them. But the Indians put him bound into his wagon and sent him and his deputies home. At the town of Nassau a deputy sheriff was tarred and feathered and forced to run around the town pumps and up and down the streets to the great enjoyment of the people.‡

So far the down-renters had seriously injured no one, although several up-renters had been fired at from behind logs or trees. At Grafton, in Rensselaer County, however, when some Indians sought to prevent an up-renter named Elisha Smith from carting wood from a farm, a quarrel arose and Smith was killed.§ Soon after at a gathering of down-renters at Claverack, Columbia County, a man named Niphen-

* Philadelphia Ledger, July 27, 1844. † Ibid., August 15, 1844.

‡ Ibid., September 14, 1844. Like outrages are described in the Ledger for August 17, September 5, and November 30, 1844.

§ Troy Whig, December 24, 1844.

burg was killed. He had spoken against the proceedings, had been called upon to cry "Down with the Rent," and when he refused was shot. For this crime Dr. Boughton, known as Big Thunder, Mortimer C. Belden, called Little Thunder, and Walter Hutchins or White Chief, and two Indians were arrested, indicted, and sent to the Hudson jail.*

While the prisoners lay in jail threats of a rescue were openly made by the Indians. But the sheriff gathered a posse, called on the Governor for arms and ammunition, and guarded the jail. The antirenters thereupon grew so defiant that the authorities of Hudson appealed to the Governor for troops. Some three hundred were sent from Albany and New York City, and other companies at towns along the Hudson River were ordered to be in readiness to go at a moment's notice. No attack was made and in a few weeks the troops were withdrawn.

Delaware County during the summer of 1844 was the scene of similar disturbances. The sheriff was tarred and feathered and his papers destroyed, several farmers were maltreated, a newspaper called the *Voice of the People* was established, and antirent candidates for the legislature nominated.

Wright, who became Governor in January of 1845, called for legislation and two acts were placed on the statute-book. One forbade persons to appear in disguise and provided for their punishment, first, when disguised and armed, and then when disguised and not armed.† The second gave authority to the Governor to keep order in any turbulent county by loaning State arms to the sheriff, by putting the county under ban and declaring it in a state of insurrection, and if necessary by ordering State troops into it to maintain order, all at the expense of the county.‡

These excellent laws, however, had no quieting effect. Nor did the trial, conviction, and sentencing of Big Thunder to imprisonment for life. The Indians continued as active as ever, and during the summer of 1845 brought matters to a crisis in Delaware County. The sheriff, under sheriff, a con-

* Philadelphia Ledger, December 23, 1844.

† Laws of New York, 1845. ‡ Ibid.

stable and a lawyer went to a farm in the town of Andes to sell property levied on for non-payment of rent. The Indians attended in large numbers, and as the under sheriff was driving up some cattle that were to be sold, he was surrounded and murdered in cold blood. The whole State was now thrown into excitement. Rewards were offered for the arrest of the man who commanded the Indians; the sheriff with an armed posse scoured the countryside, arresting every one suspected of complicity in the murder; Governor Wright declared Delaware County in a state of insurrection and sent in troops, and in a short time so many men were under arrest that the jail could not hold them and temporary structures were built for their detention. The trials came on in August. One was imprisoned for two years; one for ten years; two were sentenced to be hanged. Four were imprisoned for life; seven for seven years; and thirty were fined. Thirty-nine others who plead guilty had their sentences suspended. Some sixty who were indicted fled from justice.

Thus ended the violent period of the antirent disturbances. But the end was not yet. The Governor, in his message in January, 1846, urged certain reforms which time and changes in social conditions made necessary. Distress for rent, he thought, should be abolished; the letting of farms on permanent leases forbidden; and the landlords taxed, that on them might be laid a fair share of State expenses.

The Chairman of the Special Committee of both Houses, appointed to consider these suggestions, was Samuel J. Tilden, and, influenced by his report, the legislature enacted two laws—one abolishing distress for rent * and another equalizing taxation.†

At the election of 1846 the antirenters supported both parties, elected John Young a Whig Governor, and Addison Gardiner, a Democrat, Lieutenant-Governor, and in January, 1847, Governor Young pardoned every antirenter then in the State prison.

* Laws of New York, 1846, Chapter 274. † Ibid., Chapter 327.

CHAPTER LXXV.

THE WEST IN THE FORTIES.

The great northern highway from the seaboard to the West, now that the Boston and Albany, or Western Railroad as it was called, was finished, may be said to have begun at Boston. Travellers over the line were landed at Greenbush, on the bank of the Hudson, and crossed the river by horse-boat to Albany, already becoming a railroad centre. North of the city some thirty miles away was the village of Saratoga, the pleasure ground of fashionable society. To it each summer, from all parts of the country, came several thousand people, a few to drink the waters, but most to while away a month in fashionable idleness. Such as claimed birth and breeding gathered at Congress Hall. The newly rich patronized the United States Hotel. Union Hall was the favorite abode of professional men, ministers, judges, lawyers, literary men. Such as had neither ancestors, wealth, nor professional distinction, found themselves more comfortable at the Pavilion or in some boarding-house or small hotel.

From sunrise till seven o'clock those who sought the benefit of the mineral waters gathered under the little shed that sheltered Congress Spring, drank as freely as they pleased, entered a hand-car and, for exercise, propelled themselves around the circular railway. After breakfast the Hamilton and Flat Rock Springs were the favorites. At half past seven the folding doors of the dining-room were thrown open in each hotel, and the patrons took seats at long tables on which were laid the viands for the meal. Each person helped himself, ate as rapidly as possible and hurried away. From breakfast till dinner at two o'clock, a few walked, rode horse-

back, or drove in carriages; but the mass gathered in groups on the piazzas or in the drawing rooms, to gossip, for, says one who described the scene, their trifling talk hardly deserves the name of conversation. Dressing for dinner filled an idle hour, and at two the crowd again poured into the dining-rooms to repeat the scene of confusion and haste exhibited at breakfast. Dinner over, the gentlemen gathered in the gardens at the rear of their hotels to smoke and talk politics, while the ladies walked the long piazzas in front. Tea was usually at seven, and in the evening there was sure to be a hop, a ball, or some entertainment by a company of strolling players, sleight-of-hand tricks by a conjuror, an exhibition by a ventriloquist, or, perhaps, a concert.

The attraction at Saratoga, says an English traveller, in describing life at the springs, is neither the mineral waters nor the salubrious climate, but the gay and ever-changing company. "Hundreds who, in their own towns, could not find admittance into the circle of fashionable society, come to Saratoga." There, "by the moderate payment of two dollars a day, they may be seated at the same table, and often side by side, with the first families of the country, promenade the same piazza, lounge on the sofas in the same drawing-room, and dance in the same quadrille with the most fashionable beaux and belles of the land. Thus, for the week or more that they may stay at Saratoga, they enjoy all the advantages which their position would make inaccessible to them at home." *

Westward from Albany ran out a chain of seven railroads affording all-rail connection with Buffalo and passing through some of the chief cities of the State.† The total receipts of these seven roads in 1843 was nine hundred and

* America, Historical, Statistical, and Descriptive, J. S. Buckingham, vol. ii, p. 103.

† The seven were Mohawk and Hudson, 16 miles; Utica and Schenectady, 78 miles; Syracuse and Utica, 53 miles; Auburn and Syracuse, 26 miles; Auburn and Rochester, 78 miles; Tonawanda, 43 miles; Utica and Buffalo, 31.36 miles. Besides these there were eight other railroads in the State: Schenectady and Troy, Rensselaer and Saratoga, Saratoga and Schenectady, Albany and West Stockbridge, Buffalo and Black Rock, Hudson and Berkshire; Lewiston; Long Island.

thirty-five thousand dollars, of which five hundred and ninety thousand was derived from through passengers and less than one hundred and ninety thousand from freight. Ninety-five thousand through passengers had been carried in one year between Albany and Buffalo. That city had now become the great gateway through which goods, wares, merchandise, furniture, and people streamed westward.

Thousands of emigrants from New England and northern New York, and thousands from Great Britain who came to New York or Quebec, made their way to Buffalo, the place of distribution for the Western States. Some turned off there, or at Erie, and made their way into Ohio. Others went on by steamboat or sailing craft to Cleveland, and by canal or by land went southward to the Ohio, to again go West by boat. Still others landed at Detroit, crossed over to the Kankakee River and floated down it to the Illinois, or pushed on to Chicago. For a decade past this great route of emigration had been crowded with movers. In 1833 eleven steamboats carried forty-three thousand immigrants from Buffalo to points West. Two years later, almost every vessel, and four hundred arrived that year, came crowded with passengers. The streets of the town were choked with wagons loaded with furniture, household goods, and farming implements. Foot passengers, too, with well-filled sacks on their shoulders, came in throngs.* Twelve hundred souls, it was said, left Buffalo every day for the far West.† During 1845 the number was ninety-six thousand.

Transportation of movers and their goods was the chief business of westward-bound steamboats and sailing vessels. Horses and wagons were carried on the decks, and even live stock was taken. Once at Chicago, such as had wagons made their way to the Illinois River Counties without trouble. For those who had not, there was a line of wagons between Chicago and the Kankakee. But many an immigrant went on foot.

Coasting along the south shore of Lake Erie, the steam-

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* Chicago Weekly Chronicle, November 21, 1835.

† Chicago Weekly American, July 25, 1835.

ers from Buffalo passed near enough to Dunkirk to afford a view of that struggling little frontier village, stopped a few hours at Erie, and passing Ashtabula and Grand River, entered the port of Cleveland. The city, for it had recently been incorporated, stood on a bluff which made a fine pedestal for the spires of its four churches and the white dome of the Court-House. The business part consisted of large brick stores which it was the fashion to call the Franklin Block, the Washington Block, the Central Block, the Commercial Block. The better class of private houses were little villas surrounded by fruit-trees and flower-gardens. The two great hotels were the Franklin and American from the roofs of which rose little towers whereon sentinels stood day and night to watch for incoming steamers. The moment one was seen, carriages and runners were hurried to the pier to compete for passengers. From the terrace of the American Hotel the view was the delight of all travellers. To the north stretched away the broad blue lake, to the east were the scattered buildings of Ohio City and the city of Cleveland. To the south lay the winding valley of the Cuyahoga River and finely wooded hills.

After leaving Cleveland, the steamer stopped at Black River and Huron, and, turning into Sandusky Bay, went up the seven-mile channel to Sandusky. Thence the route was straight across the lake to the mouth of the Detroit River, and on to the city of Detroit, another gateway to the great West.

Detroit had grown in population of late years, but was still an unimproved town. Travellers praised its comfortable homes, its blocks of brick buildings, its fine court-house, and the beauty of Jefferson Avenue, but complained that no street was paved and that foot walks were unknown; that the streets were mud to the knees in winter and made all but impassable by clouds of choking, blinding dust in summer. The mud of winter led to a curious custom of making calls. A one-horse cart would back against the door of a house, the ladies would clamber in, sit down on the bottom and, wrapped in buffalo robes, would be carried from house to house on their tour of visits.

Having reached Detroit, three ways to the great West lay before the emigrant. He might go by the Central Railroad to Ypsilanti, thirty-three miles, and then by stage across the State to St. Joseph, and there take a steamer to Chicago. He might go by steamer down the Detroit River and up the Maumee River to Toledo, then by the Erie and Kalamazoo Railroad to Adrian, and by stage to Michigan City, the lake city of Indiana, and thence by boat to Chicago. He might go on from Detroit by lake steamer to Chicago.

The Erie and Kalamazoo Railroad was the first ever built in the State of Ohio, was thirty-four miles long, and for the entire distance ran through unbroken forest and thickly timbered swamp. After the custom of the day the rails were of timber with a ribbon or iron spiked on the inner edge to protect them from the wheels of the cars. Each car was drawn by a horse, who trotted along a path between the rails, for it was not till 1837 that a locomotive was used. The conductor walked along a foot-board to collect the fare of four and a half cents a mile, or, if he pleased, stopped the train and gathered the fares. Ten miles an hour was the limit for safety and no trains were run at night.

By 1840, Michigan had so far developed her system of internal improvements that cars were run from Adrian to Monroe, a distance of thirty-four miles. The rolling stock of the Central Railroad then consisted of four locomotives, three large and two small passenger cars, two baggage cars, and seventeen large and two small burden cars. On the Southern road were one locomotive, three passenger, two freight, four lumber, and four dirt cars. Purchase by the State of Michigan of the Lake Erie and Raisin River Railroad extended the Southern Railroad from Monroe to La Plaisance Bay, a distance of four miles; but the new purchase was found so badly built that it was impossible to run a locomotive over the rails. The cars were therefore drawn the four miles by horses. This was fatal to the hope of making La Plaisance Bay the place of entrance for goods and emigrants going into the southern counties of Michigan. They still came to Toledo, the terminus of a daily line of lake steamships, and passed over the Erie and Kalamazoo Rail-

road to Adrian. This railroad, moreover, took at par in payment of tolls, the bills of its broken-down bank, which sold at two shillings on the dollar, and thus enabled its patrons to do business with it much cheaper than they could with the Michigan road.* To overcome this the Southern road was pushed due west from Adrian to Hillsdale Centre, in the heart of a rich farming section, out of the reach of competition. The Central road was extended to Kalamazoo, and in 1846 both the Southern and Central were sold by the State to private parties. The Central was then finished to New Buffalo, on Lake Michigan, and a great rail and water route was thus opened between New York and St. Louis. The traveller went from New York to Albany by water, from Albany to Buffalo by rail, from Buffalo to Detroit by lake steamer, and thence by rail to New Buffalo, where he took boat for Chicago. From Chicago a canal packet bore him to La Salle, on the Illinois River, where he took steamboat for St. Louis. From five to six days must be spent on the journey; the fare was twenty-four dollars and a quarter.†

Though not ten years old in 1840, Chicago boasted of a population of over five thousand. Harriet Martineau, who saw the place in 1836, described it as a raw, bare town, with insignificant houses run up with no regard to architectural effect and inhabited by a land-mad people. The shopkeepers from their doorways hailed passers-by with offers of farms, lots, or corner property; the streets were crowded with speculators, hurrying from one land sale to another—sales that were cried by a negro dressed in scarlet, mounted on a white horse and carrying a red flag. Another traveller who, in 1835, spent a few days in Chicago, carried away the impression of "a mushroom town, situated on the verge of a perfectly level tract of country." To him the streets were "a chaos of mud, rubbish, and disorder"; the "vile barracks" which did duty as a hotel was in a state of appalling filth,

* Michigan Joint Documents, 1842, p. 221.

† Advertisement of the route in Missouri Republican, July 20, 1849. St. Louis to La Salle, 281 miles for $5.00; La Salle to Chicago, 100 miles for $4.00; Chicago to Buffalo via New Buffalo and Detroit, $5.00 to $8.00; Buffalo to Albany by rail, $9.75; Albany to New York by boat, 50 cents.

racket and hubbub, and the public table a scene of confusion.* Chicago was in truth a young, vigorous frontier town, growing with great rapidity. In 1839 it became a city and elected its first mayor. The imports through the Great Lakes then amounted in value to a million and a half of dollars, and the exports down the lakes to nearly four hundred thousand. During the season it was no uncommon thing for one hundred and fifty lake craft to come and go each month.

By 1842 much of the crudeness that Harriet Martineau described had passed away. Old Fort Dearborn, with its high stockade and rough barracks, was still standing. Not a street was paved; in many the prairie grass grew luxuriantly. After a rain the mud was so deep that the men who went to social functions wore high boots. The women drove in drays, for carriages were few. During dry weather, the dust, fine as flour, was raised in clouds by every breeze or passing wagon. Water had been introduced by a company whose reservoir was on the lake side. Into this the lake water was pumped and thence conveyed in hollow logs to the well-populated parts of the town. Beyond this area it was carried in carts.

There were now board sidewalks and rows of trees along the curb in many streets, and around the Lake House a small flag-stone pavement, the only one in the town. Buckingham declares that many of the stores were of brick, that the main business street was as bustling as any in Cincinnati or St. Louis, and that the Lake House was the equal of any hotel in the West. The fashionable quarter was north of the Chicago River. There the dwellings were pretty cottages, with little gardens, and here and there a large and pretentious house with grounds ornamented with flowers, walks, and trees. Communication between the north side and the south side was by a ferry-boat pulled across the river by ropes. No ferriage was charged for horses, wagons, or passengers. The cost of maintenance was met by public subscription.

In 1843, Margaret Fuller made the Great Lake trip from Buffalo to Chicago, stopped at Cleveland on the way,

* The Rambler in North America, vol. ii, pp. 154, 155.

saw the Indians camped on the bank of the St. Clair River, and visited the wood-cutters on Manitoulin Island, where the steamer stopped for fuel, and on the evening of the sixth day reached Chicago. The prairie flowers, the walk along the lake shore, the bustle of the place, the succession of new faces at the hotel table—everything pleased her. But the most picturesque sights were the lake steamers as they came panting in from their marvellous journey, and the lines of Hoosier wagons in which the farmers who brought in produce camped just outside the city. When some popular steamer, as the *Great Western*, or the *Illinois*, was going out, the town was thronged with people who came from the south or the farther West to go in it. So large, so fine, so well arranged were these boats that her voyage in one of them to Milwaukee was a pleasure trip. The little town on a bold bluff commanded a fine view of the lake. The narrow path winding along the lake shore, at the foot of the bluff, was her favorite walk. To climb the light-house and watch the steamers, as they approached, make a great curve as if in obeisance to the town, was a favorite occupation. They came and went every day and their arrival brought the whole population to the pier to welcome new-comers or send off letters and packets. The town, when Miss Fuller saw it, was but seven years old. The first settlers in the place made their appearance in 1835. The next year there was such a rush of new-comers that streets were laid out, a ferry set up, some sixty rude houses built, a newspaper established, and a population of some seven hundred souls gathered. When the Rock River Canal was opened, Milwaukee, as its lake terminus, began to grow rapidly, and in 1846 was incorporated and became a city.

From Milwaukee, Miss Fuller went on to Mackinaw, where she found near two thousand Chippewas and Ottawas encamped and waiting for the payments made them each year by the Government. After "the raw, crude, staring assemblage of houses" in the new West, the quiet old French town "mellow in its coloring" was a pleasing sight.*

* At Home and Abroad; or Things and Thoughts in America and Europe. Part I. Summer on the Lakes.

Scattered here and there along the shore of Lakes Michigan and Huron were the sites or remains of lake cities "located" in the days of wild speculation, before the panic of 1837, each destined, its promoters declared, to be the greatest on the lake. Some never had existed, and were never expected to exist, save on the fine maps hung up in bar-rooms to deceive the credulous, or used by auctioneers when selling the lots and water-front privileges. Sometimes, however, the projectors, encouraged by the sale of their lots, would spend a little money in making a small clearing, often many miles from the nearest actual settler, from whose cabin no road led to the new town; would mark out some streets, and put up, in the midst of burned stumps, a hotel and a bank.

The favorite sites for paper towns were at the mouths of small streams which entered Lake Michigan. The buildings of one such town, in the midst of a small clearing near the lake, were a large frame structure, well finished without, but a mere barn within, which was to have been the hotel, and a smaller building, with Grecian pillars, which was to have been the bank. But the bank was empty, the hotel tenantless, and, save a few log shanties, nothing else remained to mark the site of Port Sheldon. According to the prospectus, the Port was so finely "located" that the time was near when "her eminent advantages would lift her to the first rank among our cities of the lakes."

Port of Havre was another such paper town, on Lake Erie, near the mouth of Maumee Bay. But the site chosen was low and marshy, the lake had claimed its own, and a score of abandoned cabins, surrounded by water, were all that remained to mark the streets of Havre. A third was "White Rock City," believed to be on the shore of Lake Huron, at the mouth of a fine river. The maps represented a flourishing city on a wide river, with piers running out into a harbor where steamboats were to be seen coming and going, and around the public square a court-house, churches, and a bank. Yet one who, on a coasting trip along Lake Huron, stopped to see this city of the future, found none. "A large white boulder in the lake marked the harbor and gave the name to the city. We found the entering river. It hardly

admitted our log canoe. Harbor there was none. Churches, houses, mills, people, all were a myth. A thick wilderness covered the whole site." It was forty miles to the nearest inhabitant. "Where the public square had been depicted stood several large beech-trees. On one of them we carved the names of our party, who were thus registered for the benefit of future visitors as the first guests of the 'White Rock Hotel.'" *

Michigan was in many respects a typical northwestern frontier State. Her population in 1840 was but two hundred and twelve thousand, and less than four hundred thousand in 1850. Yet she had, in 1850, more libraries, more newspapers and periodicals, more public schools, less white illiterates, than had Arkansas or Missouri.

A picture of a Michigan public school in frontier days and of the troubles that beset the teacher and the authorities has been preserved for us in the reports of the Superintendent of Public Instruction. In almost every district the schoolhouse was a log cabin close to the roadside, was eighteen by twenty-four feet in size, had one window and a door, and around the walls a continuous board seat and rude writing table, to the front of which was made fast a low seat for the little children. As there was no passage through the desk, pupils sitting behind it could not leave their places "without leaping over the heads of the small children." The stove, if one were used, was in the centre of the room. The building and equipment cost one hundred dollars. Better and newer school buildings were of frame, cost two hundred and fifty dollars, and were provided with "half desks," or long desks, with spaces between them through which the children squeezed to their seats against the walls. In many schoolhouses the desk was a slab fastened to the wall, which the children were forced to face when at work.

The pay of a male teacher was fifteen dollars a month, that of a woman one dollar and a quarter a week, "often uncollectable." The men engaged for three months "designing it only as a temporary employment to continue only

* Memorials of a Half Century, Bela Hubbard, pp. 87, 88, 101–103.

while the rigor of winter lasts, when little can be earned at their ordinary business" of farming. The women taught school, the Superintendent believed, to escape "from what by some is considered the disgrace and drudgery of the kitchen." Blackboards were rarely used and vocal music was rarely heard in the log school-house. Flogging with the ferule was universal. "Teachers," it was said, had "been brought up to it, and think it impossible to govern without." "Most parents approve of the practice, at least so long as their own children are not so punished." Districts, it was complained, "change their teachers annually." They were "driven from place to place like so many birds of passage, with this difference, that while the bird returns to its wonted latitude, the schoolmaster takes great care never to be caught in the same district a second time." As every new teacher used new books, it was quite common to find half a dozen different readers and three or four different geographies in the same school. In this state of things the teacher was forced to divide his class into as many sets as there are different books, and instruct one set at a time.*

A typical school-house in Iowa Territory is described as built of round logs with the spaces between the chinks daubed with mud. The door was of clapboards. On each side a piece of one log was cut out and over the holes were fastened greased paper to serve as window glass. A huge fireplace took up one side. Around the others were desks made of boards, resting on wooden pins, driven into the logs. Seats were made by splitting a log, hewing off the splinters on the flat side, and inserting four pegs into the round side to serve as legs.†

The schoolmaster seems to have been held in small respect. No importance whatever, we are assured, was attached to his calling. His work was necessary and therefore servile. The minister, the village attorney, the doctor, the merchant, the farmer, it was said, were all treated with

* Michigan Joint Documents, Session of 1843, pp. 246–333. Recollections of a Pioneer Boyhood, Michigan Pioneer and Historical Collections, vol. xxxi, 1901.

† L. F. Parker, Higher Education in Iowa, p. 17, Bureau of Education, Circular of Information No. 6.

the highest respect; but the poor teacher was an object of contempt and disdain. Nobody took him by the hand or invited him to a festivity, or ever went to his school unless to be sure that he was giving a full return for his pay. He was hired "to do a job," and that done he was free to quit as soon as he pleased.

Wisconsin was chiefly attractive to settlers because of her great deposits of lead ore, more than fifteen millions of pounds of which were taken from her mines annually. They lay chiefly in the southwest corner of the Territory where Dodgeville, Mineral Point, and Potosi, on the Mississippi River, had already become thriving towns. Along her lake front were the little towns of Milwaukee and Racine and Southport, from each of which grain and lead were shipped eastward annually, and well in the interior, in the heart of the forest, was Madison, the capital city. The first territorial legislature, when it met, in 1836, selected the site, a surveyor in the dead of the following winter marked out the capitol park, with the radiating streets, and in 1839 the legislature gathered in Madison for the first time. Emigration was then setting strongly toward Wisconsin, and so rapid was her growth that in 1846 a convention framed a State Constitution. The people rejected it. Certain provisions touching banks and banking, the exemption of property from forced sales, the right of a married woman to hold property that was hers before marriage, were ideas too advanced for the mass of the people. One less radical was adopted in 1848, and Wisconsin joined the Union.

West of Wisconsin lay the great territory of Iowa, whose population of forty-three thousand, in 1840, had been greatly increased by the stream of emigrants that for two years past had poured into it. By a treaty with the Sacs and Foxes, made in the autumn of 1842, a tract had been acquired on the Des Moines River, just west of the then settled portion of the country. The Indians were not to yield possession before the first of May, 1843, and till that day it was closed to settlers. But so eager were they to go in that they came crowding by hundreds to the frontier before the purchase was made and put up rude cabins just without the Indian

boundary. For a white man to hunt or settle on Indian lands, or enter them, save to cross and recross, was unlawful. But the would-be settlers cared not for this and went singly, or in companies, into the promised land and chose, each for himself, a farm of three hundred and twenty acres. The sign of pre-emption was sometimes a blaze on a tree, decorated with a rude carving of bowie knife and pistol crossed; sometimes initials cut in the bark; sometimes stakes with the date on them and driven so deep into the ground as to be invisible save to those who put them there.*

In western Iowa and in the region west of Missouri and Arkansas lay the Indian country. Year by year, since the passage of the Indian Bill, † the work of moving the tribes in the East to reservations in the West had gone steadily forward. Before the act was two years old the Chickasaws agreed to migrate, the Choctaws consented to leave Mississippi, Ohio was cleared of Senecas, Shawnees, Wyandottes and scattered bands of Ottawas, and the Creeks of Alabama surrendered all their lands east of the Mississippi. The lingering of the Indians in Illinois brought on the seizure of their lands, the Black Hawk War, and the memorable battle of Bad Axe. The Winnebagoes then agreed to remove to the neutral ground of Iowa and Minnesota, and the Sacs and Foxes were forced to surrender nearly all of eastern Iowa. That same year, 1832, Missouri was cleared of Indians; the Kickapoos, Delawares, Shawnees, Weas, Peorias, and Kaskaskias, who had found there a temporary home, passed over her borders; and by the famous treaty of Payne's Landing, made with the Seminoles in Florida, they agreed to remove within three years. Next came the treaty with the United Nation of Chippewa, Ottawa, and Pottawattomie Indians, who gave up all their lands along the west shore of Lake Michigan and all they owned in Michigan Territory, south of the Grand River. The Caddoes of Louisiana agreed to leave the United States, a removal treaty was obtained by means disgraceful to the Government from the Ridge fac-

* New Haven Palladium, Niles's Register, April 22, 1843.

† Act of May 28, 1830.

tion of the Cherokees of Georgia, and the attempt to enforce the Payne's Landing Treaty brought on the Seminole War. The year of the great exodus was 1838, when more than twenty-nine thousand Indians crossed the Mississippi to find new hunting grounds in the West. Eighteen thousand of them were Cherokees. Some eighty-one thousand had by this time been removed from the States, and twenty-seven thousand were under treaty obligations to go. Year by year the enforcement of old treaties and the making of new sent small bands westward. Fifty-six hundred, of whom forty-five hundred were Winnebagoes, went in 1840. Two years later the tribes living east of the Mississippi were the Chippewas, whose country lay in the upper peninsula of Michigan and westward to the Mississippi River; the Chippewas and Ottawas of the lower peninsula of Michigan; the Menomines and Oneidas of Green Bay, in Wisconsin; a few score Pottawattomies about the south end of Lake Michigan, who escaped removal in 1840; some Miamis in Indiana; a few hundred Wyandottes in Ohio, the New York Indians, those in New England, who were not to be disturbed, and the remains of the Cherokees in North Carolina, Georgia, Alabama and Tennessee; of the Chickasaws and Choctaws in Mississippi, of the Seminoles in Florida, and some fifty Catawbas, then the only tribe in South Carolina. The last of the Ohio Indians, the Wyandottes, left that State in 1843. They, at least, were well pleased to go, and in token of good will a delegation of three chiefs called on the Governor and, with no little ceremony, bade him good-by.*

The chief cities of Illinois besides Chicago were Galena, Peoria, Quincy, Springfield, Alton, and Nauvoo, each of which was, by this time, incorporated. South of Alton were the old French settlements, Kaskaskia, Prairie du Rocher, Cahokia. To the occasional traveller who passed that way the progress of a hundred years seemed to have left them untouched. The long, narrow, lane-like streets; the low-roofed, galleried houses; the garden plots shut in by walls of stone or stockade-like fences; the common field still cultivated with

* Globe, July 25, 1843.

the rude implements of the days when France ruled over the Mississippi Valley; the church with its iron cross, the nunnery, the school, and the light-hearted music-loving population content to live as their forefathers had lived—all belong to the distant past.

East of Alton was the town of Vandalia, where ended the unfinished National Pike. The construction of that famous highway was begun at Cumberland, Maryland, in 1811; but so slowly did the work progress that six years passed before the first mail-coach rolled over it and entered Wheeling. Two years later Congress decided to continue the road from Wheeling to some point on the Mississippi between St. Louis and the mouth of the Illinois River, and appropriated ten thousand dollars for preliminary surveys. But five years elapsed before a dollar was provided for building the road, and ground was broken at St. Clairsville, a little town in Ohio, a few miles west of Wheeling. Columbus was reached by 1830, and when the last appropriation was made, in 1838, the road was finished as far as Springfield, and graded, bridged, and partially completed to Vandalia.

In Maryland, Pennsylvania, and Virginia, the Cumberland Road wound and twisted through the mountains. But once across the Ohio the route was to be as straight as possible from Wheeling to the Mississippi, regardless of towns along the way.* Against this the General Assembly of Illinois protested, and asked that the road should join the capital cities of Ohio, Indiana, and Illinois.† When, therefore, the first appropriation for construction was made ‡ it was ordered that the great highway should pass through Columbus, Indianapolis, and Vandalia, then the capital of Illinois. Straightness, however, was not departed from, and the road was built with little regard for topography. Hills were cut through, lowlands were crossed on high embankments, and

* Instruction of Secretary Crawford to the Commissioners, May 31, 1820. Reports and Draughts of Surveys for the Improvement of Harbors and Rivers and the Construction of Roads and Canals, etc. Compiled and printed by order of the Senate, Vol. I, 1839, p. 810.

† Communicated to the Senate, February 6, 1821.

‡ Act of March 3, 1825.

streams, large and small, were spanned by massive stone bridges, the like of which cannot be found on any other road in all our land.*

No highway was more travelled, more crowded, more interesting. Over it each day went thousands of mail-coaches, passenger-coaches, freighters. Along its route had sprung up hundreds of taverns, beneath whose roofs the travellers lodged, and hundreds of wagon houses, where entertainment was provided for the teamsters and their beasts. Before the doors of such taverns as went back to the early days of the road, might still be seen the old-fashioned sign whereon was rudely painted the Green Tree, the Golden Lamb, the White Horse, the Golden Swan, or the Indian Queen, by which the house was known. Those of a later date had verandas and bore on their signs the names of their owners. Only the newest were called American House, United States Hotel, National House, or Buckeye Hotel.

On the outskirts of the towns and villages and at short distances along the road were the wagon houses, plain frame buildings with great yards, long watering troughs and huge barns, in many of which a hundred horses might rest. None but teamsters found entertainment at such places, and at any of them after nightfall a group of wagoners might be seen gathered at the bar or seated around the huge fireplace, and sleeping on the floor in winter or in the great yard in summer.

From each important town along the route stage lines ran out north and south. From Wheeling went daily coaches to Pittsburg and Columbus. From Columbus went the Eagle Line to Cleveland, the Telegraph Line to Sandusky, with connection to Detroit; the Phœnix Line for

* To keep such a highway, eighty feet wide, in repair was so costly a matter that Congress ordered gates put up and tolls collected at regular intervals. This, in the opinion of Monroe, was going too far; it was assuming jurisdiction over the land on which the road was built; and the bill came back with his veto and a long dissertation on the intent and meaning of the Constitution. Thereupon Congress repaired the road so far as built, and turned it over to the States through which it passed to be by them kept in repair forever. As new portions were constructed they, too, passed to the care of the States, which at once put up toll-gates.

Huron; the daily line of mail-coaches for Chillicothe, and the Pilot Line for Cincinnati, now become the great city of the Ohio Valley.

Boz, who made the trip from Pittsburg to Cincinnati in a packet steamboat in 1842, was charmed by the scenery of the beautiful river. The green and wooded islands, the little hamlets where the boat stopped to take on wood, the miles and miles of solitude unbroken by any sign or trace of human life; the log cabin that at long intervals appeared with its thin column of blue smoke curling heavenward, and the little field of wheat full of unsightly stumps; the new clearing, with the felled trees still lying on the ground; the cabin just begun and the new settler resting on his axe to watch the boat glide by—all these combined to make a scene impressive and inspiring. The traveller who beheld this beheld a nation in the making.

The inhabitants of Cincinnati numbered more than forty-six thousand. Fifty-eight per cent were native Americans, twenty-eight per cent were Germans, and fourteen per cent, mostly Irish, came from the British Isles. In the city were a law school, a medical college, an academy of fine arts, a musical-fund society, the Lane Theological Seminary, St. Francis Xavier's College, the Cincinnati College, the College of Teachers, the Western Academy of National Sciences, two fine libraries, six daily newspapers, six German newspapers, five religious journals, besides weeklies and fortnightlies. Her manufactures gave employment to ten thousand hands, and she had already become the greatest pork-packing city in the Union.

Travellers described Cincinnati as a most attractive city. Marryat called it a beautiful, well-built, clean town; Boz thought it "a beautiful city, cheerful, thriving, animated." Rarely had he seen a place which impressed a stranger so "favorably and pleasantly" as did Cincinnati with its clean houses of red and white, its well-paved roads and footways of bright tile," broad and airy streets, and "private residences remarkable for their elegance and neatness." Lyell called it the "pork shop of the Union," and complained good-naturedly of the number of hogs that ran wild in the streets.

But the great geologist admired the shaded streets, the little flower-gardens in front of the houses, and the fine buildings.

At Cincinnati travellers to the far West took boat for St. Louis. On the hurricane deck, says one who made the trip, were a few impatient merchants from the far West grumbling that they were forced by low water to leave their goods behind, or swearing as the keel scraped the bottom or dug its way through a sand bar. In the social hall, or saloon, four men played at cards, while a score of idlers gathered around. On the boiler deck was seated a group of men from the West who had attended the Cincinnati races and were discussing the merits of four race-horses tied to the windlass. In the gentlemen's cabin sat some forty middle-aged men reading novels, or mammoth newspapers, or discussing the drought and its effect on the crops. The ladies' cabin was full of young mothers and children. On the starboard side was a keel-boat in tow. On its deck was the baggage of the passengers on the steamboat, and in its cabins a crowd of Germans bound for the wilds of Missouri.

Once on the Mississippi the dangers of the trip began, for the river was full of snags, sawyers, and floating trunks of trees. Fifteen hundred business men of St. Louis, in a memorial to Congress, declared that almost every steamboat engaged in the river trade had been injured by snags; that out of one hundred employed in the commerce of St. Louis twenty-three were lost in 1841; that during September and October, 1842, eight steamers went down between St. Louis and the mouth of the Ohio; and that in the course of the past four years one hundred and thirty-eight were sunk in the river, inflicting a loss of over three million dollars.

Pioneers going from Pennsylvania and Virginia to northern Illinois and Iowa took boat at St. Louis for Quincy, Galena, La Salle, and other towns on the Mississippi and the Illinois River. The amount of travel by this route was immense. "The number of emigrants who have left this city," says a Cincinnati journal, "for the northern part of Illinois and the Iowa Territory by the way of St. Louis, we are informed by the officers of the boats, has been un-

usually large this season. Boats leave our landing almost daily, crowded with substantial emigrants from the back country, with their live stock and farming apparatus, bent on seeking their fortunes in the West." *

Among the new-comers to Illinois were the Mormons. Driven from Missouri in the depth of the winter of 1839, they found a refuge in Quincy and a warm welcome to the State. And well they might, for the Log Cabin Hard Cider Campaign of 1840 was at hand, a residence of six months turned every free white man into a voter, and the thousand or more votes the Mormons were sure to cast were not to be despised by either party. Little wonder, then, that the Democratic Association of Quincy, at a meeting in February, 1839, denounced the people of Missouri for their persecution of the Mormons; that the Quincy *Argus* declared Missouri was "so fallen that we could wish her star stricken out from the bright constellation of the Union," and that Governor Carlin, of Illinois, joined with Senator Young and the chief business men of Quincy in a joint letter introducing Rigdon to the President.

Meantime the plan for another settlement as a distinct community met with strong opposition. A large part of the Mormons, discouraged by the failures in Ohio and Missouri, were outspoken against the scheme, declined to buy a great tract of land offered them in Iowa, and began to scatter and settle round about Quincy.

From this scattering the Mormons were saved by Smith, who obtained from a church council authority to choose a site for a settlement, and called on all Mormons who could do so to go at once to the town of Commerce.

The town of Commerce, on the east bank of the Mississippi, in Illinois, had been laid out on paper by two Eastern speculators in the boom times of 1834; but had come to nothing. Touching it on the north was another paper place called Commerce City, which, in 1839, consisted of two block-houses, two dwellings, and a storehouse.† Mormon

* Cincinnati Gazette, April 21, 1842.

† Linn. The Story of the Mormons, p. 223.

agents bought two large farms in the town of Commerce, some five hundred acres from the owner of Commerce City, part of the towns of Keokuk and Montrose, and the town of Nashville, all in Iowa, and thirty thousand acres of land.* On the site of Commerce was laid out the new city of Nauvoo.

To get a charter was an easy matter. In the Log Cabin Campaign, which soon followed the arrival of the Mormons, both Whigs and Democrats bid for their support. But the Lord bade Smith and his followers support the Whigs; the Democratic majority was cut down to nineteen hundred, and in December, 1840, Nauvoo was given just such a charter as Smith wished. Neither party dared oppose lest the Mormon vote should thereby be lost to it forever, and without one dissenting voice the bill passed the legislature. There was a mayor and a vice-mayor, a city council of four aldermen and nine councillors, and a municipal court with the mayor as chief-justice, and four aldermen as associates. The council could enact any ordinance it pleased, if not contrary to the Federal or State Constitution. The mayor had sole jurisdiction in all cases arising under the ordinances, and the municipal courts could issue writs of habeas corpus, could try those issued by other courts, and even try the original cause of action. The Legion, chartered by another act, was in truth the Mormon army, was independent of State control, was governed by a court-martial composed of its own officers, was commanded by a lieutenant-general commissioned by the Governor, and in its rank and file were all men of military age living in Nauvoo. The duty of the Legion was to execute the city ordinances when called on by the mayor, and defend the State when summoned by the Governor.

The city stood on rising ground, had river frontage on three sides, and grew rapidly to be a place of large population. In January, 1841, Smith claimed for it three thousand inhabitants. A traveller who saw Nauvoo in 1842 described it as a place of seven thousand inhabitants, dwelling

* Linn. The Story of the Mormons, p. 223.

in log cabins. *Times and Seasons,* the Mormon newspaper, asserted that the houses numbered between seven and eight thousand and the population nearly fifteen thousand, a statement clearly untrue. A visitor in 1843 described the city as one of great dimensions, laid out in beautiful order with wide streets crossing at right angles, large mansions, fine cottages, handsome stores, and a temple that was "the wonder of the world." *

Many of the inhabitants were refugees from Missouri; but with them were mingled converts from the Eastern States and from Great Britain, where for several years past missionaries had been busy. At first Mormon immigrants came to New York; but the route was soon changed and the ships brought them to New Orleans, whence they were taken by steamboat up the Mississippi to Nauvoo, around which by 1843 some four thousand foreigners were settled. Fifteen thousand people at least then dwelt in the city, and in the Mormon towns of Macedonia, Plymouth, La Harpe, Montebello, and Green Plains.†

By the end of 1844 some fifteen thousand lived in Nauvoo and as many more were scattered over the towns and farms round about. Nauvoo was then the most populous city in the State of Illinois, and, save St. Louis, had no rival in the Northwest.

To chance observers the Mormons seemed to have at last found their long-sought Zion. All signs pointed to a career of prosperity and content. The site of the city was by no means ill chosen; the new charter made them all but independent. Their city was growing rapidly, population was coming in by hundreds. Both Whigs and Democrats were bidding for their support and the number of their voters gave them the balance of power in all State elections. But all these things counted for naught. Misfortune still pursued them, and in a few years they were again wanderers on the face of the earth.

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* Linn. The Story of the Mormons, pp. 227–228.

† New York Weekly Herald, January 15, 1842; New York Weekly Tribune, July 15, 1843.

Scarcely was the city well under way when, one day in May, 1842, Governor Boggs, of Missouri, was shot and seriously wounded while sitting near a window in his home at Independence. The crime was laid upon the Mormons, who had good reason to hate him, and the Prophet was believed to have been the instigator. Smith was accordingly indicted in Missouri, and a requisition for his surrender was made on the Governor of Illinois. He was arrested, taken before the Municipal Court of Nauvoo, at once released on a writ of habeas corpus, and fled into hiding; but the United States District-Attorney declared that he could not be held for a crime committed in Missouri while he was in Illinois, and Smith submitted to arrest. Taken before the United States District Court at Springfield, he was a second time discharged, the Court holding that he was not a fugitive from Missouri.

The clash between the Municipal Court at Nauvoo and the State authorities caused no little excitement throughout the State. The provision in the charter granting the Court power to issue the writ was vigorously denounced and a bill to repeal the charter of Nauvoo passed the Illinois House of Representatives * by a majority of twenty-five votes, and lacked but one to pass the Senate.

Meantime an adventurer named John C. Bennett, who had joined the church at Nauvoo, who had risen rapidly in the favor of the Prophet, had been major-general of the Legion, first mayor of the city, and master in chancery for Hancock County by appointment by Stephen A. Douglas, forsook the Church and became the bitterest of her enemies. He filled the newspapers with attacks on Mormonism, charged its leaders with treason, denounced the personal character of Smith, and wrote what he called "An Exposé of Joe Smith and Mormonism," † which was accepted as truth and called forth comment from many newspapers of influence. ‡ Not content with this, Bennett secured, in Missouri,

* February 3, 1843.

† The History of the Saints; or an Exposé of Joe Smith and Mormonism, by John C. Bennett, Boston, 1842.

‡ New York Sun, August 5, 1842; Louisville Journal, July 23, 1842.

another indictment of Smith on the old charge of treason and murder. Another requisition was made on the Governor of Illinois; another warrant was issued, and another arrest of the Prophet followed. But his friends rallied round him and prevented extradition. Another writ of habeas corpus was obtained, returnable before the Municipal Court of Nauvoo; but the Whig and Democratic candidates for Congress were retained as council, and Smith was a second time set free.

The agent of Missouri then hurried to Springfield and insisted that Governor Ford call out the militia, seize Smith and deliver him at the border of the State. That a city court should dare to set aside a warrant of the Governor seemed to him a usurpation of authority not to be tolerated. But the Governor was not yet ready to take arms against the Mormons.

The day when he must take arms, however, was now at hand. Smith had begun to teach the doctrine of plural wives, and in his attempt to enforce it had stirred up the indignation of a few men bold enough to resist him. These men determined to attack the new doctrine, and to do it through the medium of a newspaper they called the Nauvoo *Expositor*.

The first and only issue of this famous sheet appeared on the seventh of June, 1844. Save the Preamble and Resolutions "of the Seceders from the Church of Nauvoo," and the affidavits of four persons that Hyrum Smith had read a revelation, touching polygamy, to the High Council, there was little in the *Expositor* that was new. The attack on the Smiths, and on the abuses of the Prophet's rule, were mild when compared with those found almost daily in the Gentile press of the neighborhood. But the aim of the *Expositor* was to expose the Prophet and his ways, or, in its own words, "explode the vicious principles of Joseph Smith." The editors were men who still professed to believe in the Mormon Bible, and in the Book of Doctrine and Covenants. They must, therefore, be put down, and three days later the marshal, under orders from Smith, who acted under authority of the City Council, entered the office of the *Expositor*, carried

its contents into the street, and there broke the press and type and burned whatever fire could consume.

The editors fled to Carthage. The surrounding country was aflame. A public meeting at Warsaw declared that the destruction of the Nauvoo *Expositor* was revolutionary and tyrannical; that the time had come to drive the Mormons from the surrounding settlements into Nauvoo; that the Prophet and his adherents should be demanded and, if not given up, a war of extermination should be waged, and recommended these resolutions to the consideration of all townships and to the mass convention to meet at Carthage.*

In Carthage, Green Plains, Rushville, Warsaw, military companies were formed, cannon were obtained, and so urgent an appeal was made to Governor Ford to call out the militia that he decided to visit the scene of trouble in person.

There he found a large body of armed men assembled at the call of the constables to act as a *posse commitatus*. These he put under the command of their own officers. The mayor and council of Nauvoo were next ordered to send a committee to explain the destruction of the *Expositor*. When they had been heard Smith and his adherents were summoned to surrender and promised protection, but were told that arrested they should be if it took the whole military force of the State to do so. Smith had put Nauvoo under martial law, had assembled the Legion, had called in the Mormons from the outlying towns, and had prepared his city for resistance. But when summoned to surrender he fled, and with a few fellows started for the Rocky Mountains. He was persuaded to return, and in time, with his brother Hyrum, was arrested on the charge of treason and levying war against the State by calling out the Legion and putting Nauvoo under martial law, and sent to the jail in Carthage.

The militia now gathered at Warsaw and Carthage numbered some seventeen hundred men, and with these forces the Governor was urged to march to Nauvoo. But, assured that if the troops once entered the city slaughter and conflagration would follow, he disbanded all save three companies.

* Philadelphia Ledger, June 26, 1844.

Two were to guard the jail, one was to go with him to Nauvoo.

On the morning of the twenty-seventh of June the Governor accordingly entered the city, addressed the assembled citizens, and about sundown set out on his return to Carthage. But he had not gone far when two men met him and announced that Joseph and Hyrum Smith had been assassinated in jail between five and six o'clock that day.

From such evidence as was gathered at the time it appears that on the morning of the twenty-seventh the posse at Warsaw started to join the Governor and go on to Nauvoo; that it was met by the orders to disband; that some two hundred men refused to obey and marched to Carthage. One of the two companies left by the Governor to guard the jail had disbanded and gone home; but the Carthage Grays were camped in the public square while a detachment of eight men under an officer guarded the jail. At the suggestion of some of the Grays the Warsaw men decided to kill the Smiths.

Late in the afternoon, as the two Smiths, and two visitors, William Richards and John Taylor, were sitting in a large room in the jail, a number of men with blackened faces were seen coming toward the stairway. Suspecting an attack, Richards and Hyrum Smith quickly closed the door leading to the stairs, and stood with their shoulders against it, for it was without lock or bolt. The mob rushed up the stairs, tried the door, and finding it held tightly, fired through it. Smith and Richards retreated to the middle of the room where, on the second volley, Hyrum fell dead on the floor. The Prophet, when he saw his brother shot, seized a six-barrel revolver a visitor had left on the table and opened the door a few inches, fired, and wounded three men. The assailants now thrust their guns through the partly opened doorway, fired into the room and wounded Taylor. Joseph Smith then rushed to the window, received three bullets and fell forward out of the window to the ground beneath and died. The mob quickly gathered around him and, when sure he was dead, scattered.

And now panic seized the people. The inhabitants of Carthage and Warsaw fearing the Legion would attack at

once, fled in wagons, on horseback, and on foot. Governor Ford sought safety in Quincy, and called for troops.

No attempt to avenge the death of Smith was made by the Mormons, but the quarrel between them and the Gentile population of Hancock County grew fiercer with each succeeding month. The old charges of theft by Mormons were renewed; meetings were held, and committees appointed to gather evidence. In this state of the public mind the legislature repealed the Charter of Nauvoo, and the question became, Will the Mormons submit? The *Neighbor* denied the right of the legislature to repeal the Charter, declared it was just as lawful for a community as for an individual to resent oppression, and that until the blood of the Smiths had been atoned for by hanging, shooting, or slaying the assassins in some manner, no Latter-Day Saint should give himself up to the law.

The day of reckoning, however, was at hand. One night in September, 1845, a meeting of Anti-Mormons in Green Plains was fired on, some said by the Mormons, and others by the Gentiles. However this may be, the non-Mormons rose in their wrath and scoured the county, burned the houses, barns, and crops of the Saints, and drove them into Nauvoo. That they retaliated is quite likely. Indeed, the Governor charged them with sallying forth from Nauvoo to steal, plunder, and carry off whatever they could. So bad did matters become that the Governor appointed Stephen A. Douglas, General Hardin, and two other commissioners, and sent them with a band of troops to Hancock County to restore order. But the people were not inclined to have order restored in that way, and at meeting after meeting declared that the Mormons must go. The Quincy meeting went so far as to send a committee of seven to Nauvoo to arrange for removal.

The Mormons answered that they would go in the spring of 1846 provided they were not molested, were helped to sell or rent their farms and houses, and that cash, dry goods, oxen, wagons, carts, horses, were given in exchange for property.*

* Millennial Star, vol. vi, p. 187.

A meeting at Quincy, called to act on this reply, declined to bind the citizens to buy or find buyers for Mormon property; but promised not to hinder such sale in any way, and would hold the Mormons to their agreement to leave Illinois. A convention at Carthage, to which nine counties sent delegates, specified the complaints of the people against the Mormons, urged the counties to form a military organization, and the people to act vigorously when necessary.

The commissioners appointed by the Governor finally brought negotiations to an end. Brigham Young, on behalf of the Mormons, promised that in the spring the whole Church would start for some place beyond the Rocky Mountains if the means to do so could be obtained by the sale of property. The commissioners on their part promised, as far as they could, that the Mormons should be suffered to go in peace, and that an armed force should be left in Hancock County to protect them.

The winter, because of this agreement, was one of comparative quiet. Farms and houses were traded for flour, sugar, seeds, tools, tents, horses, cattle, sheep, oxen, and wagons.

Several hundred men were despatched to Iowa and distant parts of Illinois to buy horses and mules, and such as were not skilled laborers were ordered to some town, as St. Louis, or Galena, to work for wages and so bring money into the moving fund. The High Council announced that early in March a band of young men would start for the West, there to build houses and plant crops for those who should follow when the grass was high enough for pasturage; a petition was sent to the Governor of Iowa telling him that the Mormons were about to cross the Territory and asking for protection, and on the tenth of February, Brigham Young and a small party crossed the Mississippi and chose a spot on Sugar Creek as the gathering place and first camp of those soon to follow. Many crossed on the ice in the course of the next week, and these, after an address by Young, voted unanimously to go West. Each day brought more emigrants, and on March first Camp Israel was broken up and the long march westward was begun. As they went on other camps

were established and men left to plant grain,* put up log houses, dig wells, and fence the planted land. Bitter winter weather, heavy snow, rain, sleet, and mud beset the little band till May. But it pushed resolutely on over the soft prairie, making now a mile, now six miles a day, till May sixteenth, when a beautiful spot on a branch of the Grand River was reached and Mount Pisgah, another permanent camp, established. There houses were built, and several thousand acres ploughed, planted, and enclosed. While this was under way Young and the rest of the party marched to Council Bluffs, and on the site of the present town of Florence, just north of Omaha, established the last permanent camp called Winter Quarters.

A traveller who left that camp late in June and came eastward reported that he found the second company, three thousand in number, at Mount Pisgah resting their cattle before making a new start; that a third company was at Garden Grove, and that between it and the Mississippi he counted a thousand wagons moving West. The number of Mormons emigrating he estimated at twelve thousand souls.

When July came the main body of the emigrants had reached the Missouri and camped on the site of the present city of Council Bluffs. Others formed camps near by, till twelve thousand were gathered along both banks of the Missouri, there to await the arrival of spring.

At Nauvoo, meantime, matters had gone from bad to worse. The departure of the party under Young was looked on by the non-Mormons around about Nauvoo as a mere ruse. A few were going, but the mass would stay. County meetings were therefore held, and the Mormons assured that the people were ready and intended to enforce the agreement to leave. The notice was unnecessary; week after week from two hundred to five hundred Mormon teams crossed the ferry to Iowa. With this the Gentiles should have been satisfied and content to wait; but they were not, and at a meeting in

* One was at Richardson's Point, Iowa, 55 miles from Nauvoo; others were on Chariton River, on Locust Creek, on a branch of Grand River, and on Grand River, 138 miles from Council Bluffs.

Carthage declared their belief that the Mormons would remain, and summoned the people to arm and drive them out. The call was obeyed and by the middle of June some six hundred anti-Mormons were under arms at Carthage ready to march against Nauvoo.

The city by that time was being fast repeopled. As the news spread that Nauvoo was for sale, men of all sorts—physicians and lawyers, merchants, working men—came by hundreds to pick up such bargains in real and personal property as the needs of the Mormons would be sure to put on the market. These new citizens, as they were called, were now as much alarmed for the safety of the city as were the Mormons, who, panic-stricken, loaded their wagons and flocked to the ferry in such numbers that the streets were blocked with teams. Some of the new citizens fled with their goods and families; the rest sent a committee to Carthage to remonstrate against the intended attack on Nauvoo. The anti-Mormons, in reality a lawless mob, would not listen to reason, and, standing in no fear of the weak and vacillating Governor, set off for the Mormon city. But when word came that the sheriff with a posse of five hundred men had entered Nauvoo, and that the new citizens had joined with him and the Mormons to defend the place, the mob went hastily back to Carthage.

Peace, however, was soon broken. In a few weeks new trouble arose, and another pretended posse of seven hundred men with cannon advanced against Nauvoo.

The Mormons, a few hundred in number, were behind a rude breastwork. Against this a part of the posse was sent. The rest marched through a cornfield and entered the city, where a battle between the Gentiles on the streets and the Mormons in their houses raged for an hour before the antis withdrew and fortified their camp.

Law-abiding citizens of Quincy now interposed, sent a committee of one hundred to the seat of war, and finally made peace. The city was to be surrendered and occupied by the mob, the Mormons were to leave the State, and the Quincy committee was to pledge the Gentiles to protect Mormon property from violence.

September seventeenth the posse marched into the city to find the Mormons already gathering on the river bank, and the next day the order to depart was enforced, says the agent of the Governor, with many circumstances of the utmost cruelty and injustice. Bands of armed men traversed the city, entering the houses of citizens, robbing them of arms, throwing their household goods out of doors, and threatening their lives.* Before sunset on that September day the last of the Mormons crossed the Mississippi and gathered on the western bank. Early in October wagons, sent back from the camps, arrived, and the party, six hundred and forty in number, took up the dreary journey to Council Bluffs, which was reached late in November.

During the winter the council decided, before going farther, to send out a pioneer band to explore the plains and find a site for the new Zion. A call for volunteers was made, and in April, 1847, one hundred and forty-three men, led by Brigham Young and taking with them seventy-three wagons laden with grain, food, and farming tools, moved out of Winter Quarters and started westward. Their route was up the North Fork of the Platte River, in whose valley roamed such great herds of buffalo that it was necessary to drive them away before the wagons could proceed, then over the South Pass and across the Green River County to Fort Bridger.

Every morning at five a bugle called to prayers and at seven the day's journey began. Whenever possible the wagons went two abreast, the men walking alongside with loaded muskets. After some twenty miles had been covered a site would be chosen on the river bank, the wagons would be drawn up in a semicircle with each end touching the river, and the cattle would be brought within the enclosure. At nine, a bugle sent all to bed. From Bridger the band made their way over the Uintah Mountains to Echo Cañon, where they halted while a party of forty-three pushed on, crossed what they called Big and Little Mountains, and camped in Emigration Cañon. Down this they went till suddenly, from

* Warsaw Signal, October 20, 1846.

a terrace, they beheld spread out before them a broad plain with winding rivers, and a great sparkling lake dotted with islands. Three days later, the twenty-third of July, the pioneers camped on the plains near a few cottonwood trees that grew by the bank of a stream, and there the long westward journey ended. Platt having gathered the men about him, dedicated the land to the Lord, and before night fields had been staked off and the work of ploughing and planting was under way. Young with the rest of the pioneers arrived soon after, the site of the temple was chosen, and before the end of August log and adobe huts were built in the form of a rectangular stockade and the place named City of the Great Salt Lake.

Preparations meantime were made at Winter Quarters to follow the pioneers, and on the fourth of July some fifteen hundred and fifty persons started westward, and by the middle of September had reached the settlement at Salt Lake.*

The departure of the Mormons from Nauvoo was followed in a few years by the arrival at the abandoned city of a party of socialists called Icarians. Their founder, Étienne Cabet, had preached absolute equality of men and women, freedom of religion, common ownership of property, and the abolition of individualism and self-interest, and by means of his newspaper, *La Populaire,* had spread his doctrines over France and among the French-speaking people of Germany, Switzerland, and Italy, and had gathered a following, it is said, of four hundred thousand. To men striving to found an ideal social state the New World seemed most attractive, and in 1848 some four hundred and eighty Icarians undertook to plant a community in Texas. The attempt failed, the communists separated, and a part chose Nauvoo as the site for a new venture. Land was rented from the agent of Brigham Young, houses, a mill, and a distillery were bought, and for a time all went well; but money troubles blasted the fond hopes of the Icarians and forced them to

* For the details of the march of the pioneers, the founding of Salt Lake City, and the migration of the first companies from Winter Quarters, I am indebted to H. H. Bancroft's History of Utah, pp. 253, 268.

take up life among the world's people at St. Louis and in Iowa.*

When the last of the Mormons were driven from Nauvoo in 1847, another great wave of European immigrants had broken on our shore and was spreading rapidly over the West. The number of people that came to us from the Old World had swelled up year by year from twenty-three thousand in 1831 to seventy-eight thousand in 1837, and had then gone down to fifty-two thousand in 1839. The panic, the hard times, and general business depression had much to do with this decline; but as they passed away a second wave began to rise, and in 1842 one hundred and one thousand foreigners are known to have arrived. Once more financial distress in our country checked the flow of immigrants, and by 1844 the number that came annually had shrunk to seventy-four thousand. This was the limit of the decline, and now arose a third wave, greater than any that had gone before, and in 1848 the number of immigrants exceeded two hundred and ninety-six thousand.

Distress abroad was the cause of this. In Europe the winter of 1845 was so severe that great areas of vineyards were destroyed. The floods which, in the spring, swept down the valleys of the Danube, the Elbe, the Main, the Moselle, and the Rhine brought ruin to thousands of farms, and the failure of the potato crop and the high price of breadstuffs that followed spread famine among the peasantry. Another bitter winter reduced the peasants almost to starvation. America seemed their only hope; thither they turned, and by the end of September, 1847, more than seventy-three thousand had come from Germany, which was forty thousand more than came in 1845.

The great centres of migration were Bavaria, Würtemberg, Hesse Darmstadt, Hesse Cassel, and the Grand Duchy of Baden. In Bavaria the people of village after village sold their property, and with the clergymen at their head, set

* Robinson, A Social Experiment, The Open Court, August 28, September 11, 1890; Hillquit, Socialism in the United States; J. G. Miller, The Icarian Community of Nauvoo; Transactions of the Illinois State Historical Society, 1906.

out for Havre, the nearest port to the Upper Rhine. "It is a lamentable sight," said one who saw these communities on the move, "when you are travelling in the spring or autumn on the Strasbourg road, to see the long files of carts that meet you every mile, carrying the whole property of these poor wretches who are about to cross the Atlantic on the faith of a lying prospectus. There they go slowly along, their miserable tumbrils drawn by such starved, drooping beasts, that your only wonder is, how they can possibly hope to reach Havre alive." In each cart was such scanty property as the owner could afford to take along, "and piled on the top of all are the women and children, the sick and bedridden, and all who are too exhausted with the journey to walk. One might take it for a convoy of wounded, the relics of some battlefield, but for the rows of little white heads peeping from beneath the ragged hoods." *

The description was partly true and partly false. The German emigrant of 1846 was in no sense a poor wretch lured across the ocean by a lying prospectus. He went of his own accord to be rid of economic conditions no longer to be borne. All had some money; many had enough to establish themselves on farms in the West. Some were small farmers loaded down with farm and household implements useless in the New World and to be thrown away on their arrival. Many were mechanics and small tradesmen eager to start anew in a land of plenty and good wages.

The political upheaval of 1848 sent tens of thousands more, and that year the number of European immigrants was over two hundred and ninety-six thousand. The Germans came from the Rhine, Würtemberg, and Prussia chiefly. Thus started, migration in later years was stimulated by the commercial houses in the ports on the North Sea, and in Havre, London, and Liverpool. They opened agencies over all Germany, gathered the emigrants from Baden, Bavaria, Saxony, Nassau, and Westphalia at Mannheim, Bremen, or Hamburg, and there turned them over to the shippers engaged to take them to New York. Bremen was the chief place

* Littell's Living Age, No. 129, October, 1846, p. 201.

of shipment, Havre came next; but thousands were carried to London and even to Liverpool to be shipped thence to our shores.*

In Ireland during the late forties famine was the great cause of migration. In the southern and western provinces the potato was almost the only food of the people. "Whole generations grew up, lived, married, and passed away without ever having tasted flesh meat." † Even a partial failure of the potato crop meant hunger for a peasantry wholly dependent on it for food. But when, in the autumn of 1845, at the close of a cold, wet, and sunless summer, the potato rot began, Ireland was face to face with famine. Relief was quickly given by the British Government; hundreds of thousands of pounds were laid out in oatmeal, Indian corn, and wages to laborers on the public works, and during the winter and spring the population of whole districts was literally fed by the expenditure of public money. But the crop conditions of 1846 were worse than those of 1845. The strange disease spread far and wide and reached Great Britain, Scotland, and the Continent. In Ireland the potato crop was utterly destroyed. The growing plants withered, and the people were panic-stricken. Fever and dysentery followed in the track of famine, and every steamship that came from Liverpool brought newspapers filled with horrible accounts of death and suffering. Some died in their hovels; others, driven to despair, sought some town and when charity could no longer give relief, lay down on the pavement and died. Along the country roads one met everywhere groups of gaunt, dim-eyed wretches clad in miserable old sacking and wandering aimlessly with some vague idea of finding food." ‡

The hearts of our countrymen were deeply moved. Relief committees were appointed in every city from Boston to New Orleans, and food and money were freely given. One day, early in February, 1847, eleven ships loaded with food sailed from New York. Four more left the next day from

* European Emigration to the United States. The Edinburgh Review, July, 1854, pp. 254–257.

† McCarthy's A Short History of Our Own Times, Chapter 6.

‡ Ibid., Chapter 8.

Philadelphia. The legislature of New York urged Congress to give half a million dollars, but the cost of the Mexican War made such a gift impossible. The use of two warships, the *Macedonian* and the *Jamestown*, was given. The *Jamestown* was loaded by the Relief Committee of Boston. The *Macedonian* was assigned to New York; but she had been captured by the frigate *United States* in 1812, and the Committee refused to use her lest Great Britain should take offence. The Boston Committee thereupon raised fifty thousand dollars and filled her with provisions.

A meeting at Washington, presided over by the Vice-President, attended by the members of Congress and addressed by Webster, sent forth an appeal to the people for money and food. Maria Edgeworth described the suffering in Ireland and begged the women of New York to send food and seed. Father Mathew told of the dire need of Indian corn. The women of Killolane Parish, County Cork, thanked the women of America, and the Council of the Irish Confederation sent thanks to Vice-President Dallas for the generous help extended to Ireland in her hour of need. Great indeed was her suffering. The rector of Kilcummin reported a thousand dead in Erris. A priest in the parish of Croachford declared that fifty died each week. Another stated that four thousand had perished of starvation and fever in Bantry. A parish of thirty-seven hundred lost two hundred and eighty in April. A seacoast town where, in October, there was a population of two hundred and sixty, in March was reduced to three hovels and a dozen souls. The *Cork Examiner* stated that under the shed of the Shandon Guardhouse were thirty-eight hundred men, women, and children sick of the fever. They lay "huddled like pigs" with no covering save rags. The dead bodies of several children had been found in the streets.* Between October, 1846, and March, 1847, seven hundred and thirty-four thousand persons had been given employment on the public works, and nine million two hundred and fifty thousand pounds sterling had been expended by the British Government on grain de-

* Niles's Register, May 27, 1847, p. 196.

pots, soup, labor, and aid of all sorts. From our own country fleets of relief ships were hurrying to Ireland. In April six sailed from Baltimore, five from Philadelphia, two from New Orleans, one from Alexandria, one from Jersey City, and many more from New York and Boston. By May the New York Relief Committee had raised a hundred and two thousand dollars, that at Philadelphia fifty-five thousand, that at New Orleans some fifty thousand, and large sums were coming from the Ohio and Mississippi Valley towns. Up to July the Dublin Relief Committee had received from the United States money and food to the amount of five hundred and fifty-five thousand dollars.

On the Continent failure of the potato crop caused like suffering. In the Rhine Valley, in the Black Forest, in the Erzgebirge famine and fever carried off thousands. There were riots in Brussels, Komatan, Eger, and Leitzmeritz.

Under these conditions emigration from the Continent, England, and Ireland was such as had never before been known. In January but forty-six hundred emigrants landed at New York. By April first, twenty-seven thousand had come. During three weeks in April near eighteen thousand arrived. Before July eighty-one thousand had landed. Rotterdam was crowded with emigrants. At Antwerp every ship was taken for months to come. Liverpool could not furnish vessels to carry away one-half of the applicants. Death pursued even such as did find a passage. Packed like cattle in foul ships, sailed by ignorant captains, the fever chased the fugitives across the sea. Of ninety thousand carried in British vessels to Canada in 1847, fifteen thousand are said to have perished on the voyage or soon after landing.*

The statement cannot be believed; yet the number of deaths was enormous. A ship which reached Boston in April left Liverpool with one hundred and forty-one emigrants. Twenty-four died of fever on the way. So filthy was the ship that the port physician would not suffer it to come to the pier. Other vessels reached Baltimore in much

* European Emigration to the United States, Edinburgh Review, July, 1854, p. 252.

the same condition. In all the seaports to which the fugitives came almshouses, hospitals, and places of refuge for the destitute were packed full. Of the eighty-two thousand who, during the first six months of 1847, sailed for New York nine hundred and forty-seven were buried at sea, and three-fourths of them were on British ships. Two hundred and eighty-eight died at quarantine.

When, at last, the famine was over, Ireland had lost by starvation, fever, and emigration near two millions of her sons and daughters. Her population had shrunk from eight to six millions. The Irish peasant, it was truly said, had turned his eyes toward the setting sun, and a new Ireland grew up in America.*

From January first to October first some fifty thousand Germans landed at New York. Most of them were sent west by the German Society. Thousands more came to Montreal and made their way thence to Lewiston and Buffalo. Day after day the trains on the Buffalo and Niagara Railroad came in "stretched to the length of a monstrous serpent" and filled with German emigrants, who camped in the streets of Buffalo or found refuge in empty buildings till they could resume their westward journey.

Fed by this never-ending stream, the West in a decade was almost transformed. Buffalo in 1850 had a population of forty-two thousand, Cleveland seventeen thousand, Detroit twenty-one thousand, Chicago twenty-nine thousand, Milwaukee twenty thousand. In 1843 one-third of the population of Chicago was foreign-born. Chief among the foreigners were the Germans who, in the early days of the movement into Illinois, came mostly from the older German settlements at Cincinnati and St. Louis.

But in the great German migration of 1848 they came direct by thousands to Chicago and scattered over the eastern and northern part of the State. When the census was taken in 1850, eighty-three thousand Germans were living in Indiana, Illinois, Michigan, and Iowa.

The Irish immigrant generally settled in the Eastern

* McCarthy's A Short History of Our Own Times, Chapter 8.

cities, or found employment on the roads, canals, and railroads built in the thirties. When works of the same sort were undertaken in the Western States they sought employment there and went in such numbers that by 1850 there were fifty-three thousand scattered over Indiana, Illinois, and Michigan. Next in importance were the English and Scotch, of whom forty-three thousand dwelt in Indiana, Illinois, and Michigan. To these three States had come nearly five thousand Norwegians, a few hundred Swedes, and more than twenty-five thousand natives of British America.

Quite as interesting was the interstate migration. Ohio had drawn to her soil over three hundred and sixty thousand natives of New York, Pennsylvania, and Virginia, but had lost two hundred and thirty thousand of her sons and daughters who had gone West. Indiana, which had received one hundred and twenty thousand from Ohio, had lost thirty thousand to Illinois, from whom ten thousand had crossed the Mississippi into Missouri, and twelve thousand to Wisconsin and Iowa. Seventy-five thousand Virginians were living north of the Ohio, fifty-three thousand in Kentucky, and sixty-nine thousand Kentuckians in Missouri. The chief contributor to the population of Texas was Tennessee.

CHAPTER LXXVI.

THE SOUTH IN THE FORTIES.

The highway of commerce between the Northwest and the South was the Mississippi River. No great railroad as yet went down the valley. The river was still the route of trade and travel. On its waters were four hundred and fifty steamers giving employment to sixteen thousand hands, and some four thousand flatboats whose crews numbered twenty thousand men. When to these were added boat builders, cutters of wood for the steamboats and loaders, it was estimated that more than two hundred thousand men made a living from Mississippi boating.

The value of the down-river trade was said to be one hundred and twenty million dollars; the up-river trade one hundred millions, and the number of tons of freight moved two millions. The down-river trade for export from New Orleans was fifty million dollars. No city in the country was so interesting to travellers as New Orleans.

Along the river front ran the levee, a hundred feet wide and rising fifteen feet above low-water mark and six or eight above the level of the city, to which it sloped gradually down. For four miles or more the levee was a continuous landing-place. Here, stranded on the bottom, were hundreds of long rafts loaded with cattle from Indiana, Illinois, Missouri, Arkansas, Kentucky; with corn in sacks, in bulk, on the cob; with butter and cheese, pork alive, in barrels, salted or smoked; with flour from Virginia and Ohio, with cotton from Arkansas and Mississippi; lumber from Tennessee, and with whiskey from Missouri. Here, side by side, lay twenty steamboats laden with every sort of produce from the

up-country, with furs from the Missouri, lead from Galena, flour and pork from Ohio, and thousands on thousands of bales of cotton. Still farther down the levee, three rows deep, with their bows to the stream, were the sea-going vessels ready to carry the produce of half a continent to Great Britain and Europe.

Since the December day whereon the Stars and Stripes were raised to the top of the tall flagstaff in the Place d'Armes and New Orleans became a city of the United States, great and marvellous changes had taken place. The population had grown from eight thousand to one hundred and two thousand. The old bastions of 1803 had been demolished, the low earthen rampart with the wooden palisade had been thrown down, and the slimy ditch that served as a moat had been filled and in its place were three fine boulevards, Canal, Rampart, and Esplanade. What in 1803 was the plantation of the Marquis de Marigny had long since been cut through by streets and covered with blocks of houses and known as the Faubourg Marigny. The little Faubourg Ste. Marie once just outside the ramparts had grown into the American quarter, the most bustling and prosperous part of New Orleans. Rivalry with the old Creole city bred jealousy so bitter that the legislature in 1831 was forced to cut New Orleans into three municipalities, each with its own municipal government. Within Canal, Rampart, and Esplanade boulevards lay the first municipality, comprising the limits of the city laid out by Bienville. In it were the cathedral, the cabildo, the Orleans theatre, the custom-house, two great markets, the famous St. Louis Hotel, and the Catholic cemeteries. The population was a mixture of Creoles, Frenchmen, Spaniards, Italians, and a few English and Americans. There were the fine shops full of French goods, the restaurants, cafés, cigar shops, billiard rooms. The streets were narrow, the houses built chiefly in the French fashion, and the whole appearance was quite French, or, as the people thought, Parisian.

On the river bank, below the first, was the third municipality, the most dilapidated part of the city. Grass grew in the dirty streets, the sidewalks were in ruin, the houses in

decay, the warehouses mostly empty, and the wharves falling into the river. On every hand were signs of poverty and distress.

Above the first municipality was the second municipality, or the American quarter. Free from restraint, left to manage its own affairs in its own way, it had rushed forward in a wild career of civic improvement. Streets were paved, quays built, and truck gardens covered with blocks of buildings. In it were the St. Charles and Veranda Hotels, St. Patrick's Cathedral, waterworks, and gasworks. In the first municipality was one newspaper; in the third none; in the second were ten dailies. In each of the first and third municipalities was one cotton press; in the second there were sixteen.*

Stirred by her young rival, the old city, or first municipality, put up her St. Louis Hotel and more and finer banks, business houses, and dwellings. No city in the Union was more cosmopolitan. People from half the nations of Europe, and still using their languages, customs, and manners, were squeezed within its narrow limits. Go, said a writer, describing New Orleans, go into the first municipality at the close of day and listen to the promenaders in the Place d'Armes, or to the loiterers on the benches in St. Louis Street, and you may fancy yourself on a boulevard of old Paris. Stroll into the third municipality and hearken to the people sitting before the doors of the Spanish-built houses and you will think you are in Cadiz. Enter the newsroom in the second municipality and the faces of those you meet will remind you of Liverpool or London. In the St. Charles you will find a cosmopolitan throng and on the levee an endless procession of Hoosiers, Wolverines, Pukes, and Corncrackers from the up-river States. In the third ward of the second municipality everybody and everything is Dutch. Gerard Street is the home of the Irish. Natives of China dwell about Congo Square; Italians in the dirty, dingy streets near the market; quadroons in the back streets and alleys of the first and second municipalities; Choctaws on the

* Niles's Register, July 3, 1847, p. 280.

Bayou Road; and negroes everywhere. Madison Street in the first municipality, a little street some forty paces long running from the levee to Rue Conde, was a veritable congress of nations. Here a Swiss clockmaker with little wooden men and women moving about by clockwork; there a French tailor, next a Spanish harness-maker and then a Dutch knife-grinder, a negro barber, a sailor's boarding-house, and a French restaurant where professional musicians ate gumbo.*

Buckingham, who travelled over our country as few Americans ever in our times have done, declared that the ballroom in the St. Louis Hotel was the finest in the land; that the St. Charles Hotel had no equal for beauty at home and abroad; that neither Paris nor London could produce its equal, and that the language, mode of life, and amusements of the people, the lamps hanging from ropes stretched across the streets, the concerts and operas and balls and masquerades after them, the women in gay caps, and aprons—the whole appearance of the city below Canal Street reminded him of Paris. Where the city park now is was the duelling ground with its famous oaks. Back on the lake shore were the famous restaurants to which everybody drove in pleasant afternoons to fish, boat, or dine. On Lake Pontchartrain were the wharves where travellers took a steamer for Mobile, then a city of twelve thousand souls.

From Mobile the way to the Atlantic seaboard was up the Alabama River by steamer to Montgomery, whence stages ran through a sparsely settled country to Augusta. From Augusta a steam packet made trips down the river to Savannah, where the census takers in 1840 found eleven thousand two hundred inhabitants.

A traveller who made the journey in the opposite direction has left us an entertaining account of his experience. The boat from Savannah to Augusta he found clean and comfortable, and the sights by the way most interesting. The beauty and variety of the trees and vines and hanging moss, the alligators passed from time to time, the turkey buzzards feeding on the river bank, the flocks of wild turkeys and ducks,

* From a description of New Orleans in the Globe, October 3, 1843.

the great rafts of timber that floated along steered by two men at each end and loaded with bales of cotton, and the occasional stop to take on wood, afforded constant amusement. At none of the wood-piles was a human being in sight. The crew carried aboard as much fuel as was needed, and in a box nailed to a pole the captain put an order on Augusta for the amount of money due. Once a week the owner of the wood visited his pile and collected the orders.

From Augusta our traveller went on to Warrenton in cars much inferior in their fittings to those in use on Northern roads. At Warrenton he took stage for Macon. The road was almost wholly through dense pine woods. The trees had been cut away, but no road-bed had been made. The coach at times was half up to its axle-trees in loose sand, was sometimes still deeper in running brooks or swamps, and at others pitched from side to side as the wheels rolled over roots, stumps, and great ruts. At Sparta a stop was made for dinner, but the sight of the filthy dining-room, dirty tablecloth, broken china, rusty knives, and chunks of boiled pork drove him back to the coach to dine on crackers. Another drive through the woods brought him to Milledgeville. All stage-coaches passed through it in the night. As nothing was to be gained by stopping in the town, our traveller called for tea to be served in his room. When the wench brought it the tea was in the hollow of her hand and the milk in a broken teacup. A night ride of seven hours brought him about dawn to Macon, another thriving cotton town.

From Macon the road was again through dense pine forests. At Flint River the coach and four were put on a raft which was drawn across by a rope. Beyond the Flint log huts, little settlements, and land in the process of clearing were constantly met with, for settlers were moving in rapidly. Post-offices became numerous, and as each was reached the one mail-bag carried by the coach was brought out, its contents spilled on the ground and searched to see if perchance there was a letter for that office.

At Columbus was a typical Southern hotel. The building was large and showy; but the doors of the bedrooms were shattered, the locks and hinges and window-glass broken, and

the sashes and blinds out of repair. There were no wardrobes or closets, nor a peg on which to hang a great-coat or garment. The washstands were broken, the jugs had no basins, the basins had no jugs, there was no bell with which to call a servant, and but one looking-glass which was carried from room to room as needed.

The Chattahoochee crossed, Alabama was entered, and for forty miles the way was across a belt of almost uninhabited country. The road was a pathway around standing trees, the land was poor, and the stations where horses were changed were mere log stables. Save at such stops not a fence, not a foot of cleared ground, not a human face was seen. Beyond this belt were settlements of the rudest sort, a blacksmith shop, a few log huts, and the ever-present " confectionery " or gin-mill. The first night out from Columbus was spent in a roadside log-house which served for an inn. After another day's ride through a well-cultivated cotton belt, the travellers reached Montgomery and took boat for Mobile.

Nothing impressed the traveller on his journey from New Orleans to Savannah so forcibly as the badness of the roads and the lack of large towns and villages. In Louisiana, save New Orleans, there was no town of four thousand inhabitants. Lafayette had thirty-two hundred population, and Baton Rouge some twenty-two hundred. In Alabama the great city was Mobile. Montgomery came next with twenty-one hundred, and then Tuscaloosa with nineteen hundred. In Mississippi the most populous towns were Natchez with forty-eight hundred inhabitants, and Vicksburg with thirty-one hundred. Savannah had eleven thousand, and Augusta six thousand. Then came Macon with thirty-nine hundred, Columbus with thirty-one hundred, and Milledgeville with two thousand. In South Carolina the most populous place after Charleston was Columbia with forty-three hundred. North Carolina, with seven hundred and fifty thousand inhabitants, had no town of five thousand. Wilmington and Fayetteville had each over four thousand, Newbern over thirty-six hundred, and Raleigh twenty-two hundred. Illinois, on the other hand, with a population three hundred thousand less than North Carolina, had three towns of between twenty-three

and twenty-six hundred, and one of forty-four hundred. The population of Virginia was a million two hundred thousand. Yet in Shepherdstown, the ninth in population in the State, there were not quite thirteen hundred people. The population of Massachusetts was not so great as that of Virginia by five hundred thousand. Yet in Massachusetts there were besides Boston sixteen towns of between two and three thousand people; nineteen of between three and four thousand; five of between four and five thousand; five of between five and six thousand; two of between six and seven thousand; three between seven and eight, and one of nearly nine thousand.

In the North the whole population was in constant motion. In the South the richer part spent much of its time in the quiet and repose of rural life. In the North and West there was no such thing as country society. Land was divided into small holdings, each farmer owning as much as he could cultivate. The people were a working people with little or no leisure. Comfortable homes were everywhere to be seen; but no mansions, no great estates, no country gentlemen. From Maryland southward the plantation system prevailed and there was to be found the nearest approach to English country life.

Social life below the planting class life as the traveller saw it in the market, on the street, on the railway, on the steamboat, in the hotel and public places, was far less attractive than in the North. The cars, the steamboats, the taverns seemed filthy as compared with those in the North, the mass of the people less attractive in appearance, less refined in habits than their fellow-countrymen in the North.*

A traveller who went up the Alabama on a steamboat declares that scarcely a man took off his hat on entering the cabin. Nearly all sat covered and whiled away the time chewing and spitting in the brass boxes arranged in rows along the cabin floor. When the gong announced a meal, they would hurry to their chairs, wait till the women, who were always given the head of the table, had taken their places, and then

* Mackay. The Western World, vol. ii, pp. 96–98.

sitting down, bolt their food and flee away. After all were seated, the principal dishes were taken from the table and hacked or carved by a negro steward who loaded each plate with everything asked for and covered all with gravy. Everybody ate with the blades of their knives; nobody used the two-pronged steel fork. At breakfast and supper tea and coffee were brought in thick white earthenware cups. Most of them had no handles; but it mattered not, as everyone drank his tea from the saucer. Yet these singular people the traveller found civil, obliging, always ready to accommodate others, quiet, orderly, and inoffensive. Neither at the hotels, nor on the steamboats, nor on the railroads did he hear the oaths, quarrels, complaints, bickerings, and abuse of inferiors so universal in England.* Though he had travelled thousands of miles through the interior of our country he had scarcely seen a drunken man, had never seen a drunken group, or party, and had not heard half as much quarrelling, abuse, and profane swearing as was to be seen and heard between almost any two post towns in England.†

Wherever Buckingham went through the South he found the hotels, with few exceptions, dirty, the table poor, the service wretched, and the charges high. Yet never a word of protest did he hear from an American. Whatever room an American was conducted to he accepted without seeking a better. Whether clean or dirty, well-furnished or ill-furnished, single or double, was all the same to him. Broken locks, broken panes and curtainless windows, absence of wash-basins and jugs and call bells, brought forth no complaint. Whether the meats were tender or tough, the coffee good or bad, he bolted them in silence and fled. The American must, therefore, be either insensible to clean rooms and good food, or be the most patient and easy-going of mortals.

In the hotels of Southern cities and important towns along routes of travel it was still common for travellers who were total strangers to sleep two and three in a room.

Another traveller making the tour of the Virginia

* Buckingham. The Slave States of America, vol. i, pp. 466–470.

† Ibid., vol. ii, p. 329.

Springs had the same experience. At the Red Sulphur he found the beds good and the linen clean; but no washstands, drawers, dressing-tables, or bed carpets. Yet the hotel was the resort of the most select. There was, therefore, none of the rushing and pushing to secure places at the dinner-table such as he had seen at Saratoga. Each traveller as he arrived was seated at table in the order of his arrival, beginning at the bottom, and was moved up as those ahead of him left the hotel. Should he stay long enough he would reach the seat of honor at the head of the table. His place was marked by a card with his name on it, laid on his plate.*

At the Red Sulphur, as at most Virginia mountain resorts, the bedrooms were not in the main building, but in long ranges of chambers one story high with a piazza in front, and known as Bachelor's Row and Philadelphia Row. Each room in the row was called a cabin, was some twelve feet square, had a door opening on the piazza, and a couple of small windows, one in the front of the room and the other in the rear.

At the White Sulphur, one of the most fashionable of resorts, he found the mattresses stuffed with straw, and no washstand, dressing-table, looking-glass, or tumblers. At the Sweet Springs, on the other hand, everything was as good as could be found in England.

In the Appalachian Mountains from western Virginia to northern Alabama dwelt the mountain whites. Their forefathers, forced out of western Pennsylvania and crowded back from the frontiers of Virginia and North Carolina as the great wave of population moved westward, had found refuge in the rich valleys between the mountain ranges. But these, too, became crowded and population was forced up the mountainsides into more remote valleys, where, cut off from civilization, it grew stagnant. Untouched by the outside world, no incentive to betterment existed, and the people have retained down to our day the manners, customs, and usages of the pioneers of colonial times. The house of a mountaineer was a one-room log cabin, with clapboard roof and

* Buckingham. The Slave States of America, vol. ii, p. 311.

puncheon floor. The window, if window the cabin had, was without glass and closed with a batten shutter. A crane with pothooks hung in the fireplace; a flintlock rifle rested on buckhorns made fast to the wall; the "corn gritter," the hand-mill for grinding, and the block for pounding corn were near at hand. All household utensils were of wood and all clothing of home make, for the spinning-wheel and loom were still in use. House-raisings and house-warmings, quilting parties and husking bees, wrestling, racing, and jumping were the mountaineer's amusements. Buckingham, when he crossed the Georgia mountains, was amazed at the number of flaxen-haired, blue-eyed children that stared at him from every cabin he passed. Families of ten and twelve children were everywhere to be found. In a cabin, where he spent a night, there were thirteen and a mother not thirty-five years old. Fifteen was the marriageable age for girls. As he drove along the mountain roads, across South and North Carolina, and into eastern Tennessee, he met with few decent houses; most were rudely built, dirty without, and cheerless within.

East of the mountains were the lowland whites, descendants, for the most part, of the worthless colonists of early days, and, like the mountain whites, living as their forefathers had lived before them. Among them, however, in every State, were certain groups dwelling in certain localities and possessing peculiarities which marked them off from their kind. In the Carolinas were the sand-hillers; in South Carolina the clay-eaters; in Georgia the crackers; in Mississippi the pine-landers.

Beneath the poor whites, and, in their opinion, far beneath them, were the slaves. Yet, despicable as they were thought to be, they, too, had social casts and were divided into two great classes, the house-servants and the field-hands. Nowhere was the yoke of slavery easy; but the lot of the blacks who served in the house of the master was far better than that of his brother who toiled in the field. To be a butler, or a coachman, or a cook, a body-servant, my lady's maid, or the mammy, was to hold one of the highest places a slave could have. Service in the great house assured better food, better treatment, better clothes, less work, which were

all the slave got out of life. Trained from childhood for such occupations, possessing in most cases a strain of white blood, well-formed and good-looking, they made the highest class of slave labor, intelligent, respectful, orderly, and easily governed.

Far different was the lot of the field hand. His home was a hut or cabin of wood, whitewashed on the outside, shingled on the roof, and it might be plastered on the inside and provided with a fireplace. Sometimes it contained but a single room, twenty feet square; sometimes it was composed of two dwellings, cut into two or three rooms each, with cock-lofts, entered by ladders from the rooms below. No drainage, no privy, no convenience of any sort was thought necessary. The window was often without glass, the furniture was of the roughest kind, while round about the door lay broken crockery, old shoes, rags, feathers, wastage of every sort.* Fanny Kemble states that on her husband's plantation neither a table nor chair was in the kitchen, that the boys slept on the hearth and the women on board bedsteads, and that even the house-servants had no rooms. They slept in the quarters, or on the floors, on passages of the master's house, or in the rooms of the family.

A planter, describing the treatment of his slaves, declared that more sickness and death among slaves came from the rotting logs of their houses, the open floors, leaky roofs, and crowded rooms than from all other causes combined. On his plantation the slave houses were of hewn post-oak, covered with cypress, were sixteen by eighteen feet in size, had floors of close plank, and well-built chimneys and were raised two feet above the ground. Once a month the ground under each cabin was swept, and twice a year the quarters were whitewashed inside and out. His twenty-four cabins were arranged in a double row along a street two hundred feet wide. At one end was the overseer's house, workshop, tool-houses, and wagon-shed. At the other were the grist-mill, saw-mill, and cisterns. To each slave hand that worked out

*Buckingham's Slave States, vol. i, p. 134; F. L. Olmsted, Seaboard Slave States, p. 422; W. H. Russell, My Diary North and South, vol. i, p. 212; F. A. Kemble, Journal of a Residence on a Georgian Plantation, pp. 187, 242, 248.

was allowed four pounds of meat and a peck of meal a week. The slaves cooked their own suppers and breakfasts, but dinner was prepared in the quarters and carried to the field. Every family had a hen-house in which to raise poultry, not for sale, but for food, and a fenced garden, wherein to grow such vegetables as it pleased. For the young children there was a large nursery, to which they were taken at daylight and tended during the day by an experienced woman. Suckling mothers came there four times a day.*

Another planter allowed each hand that labored three and a half pounds of bacon per week and bread at will, or, if allowanced in bread, a peck of meal. To this in summer were added cabbage, kale, potatoes, beans, and in winter sweet potatoes, turnips, peas. He was opposed to the common usage of giving out the allowance each week and forcing the negroes to do their own cooking. It was hastily and badly done and encroached on their hours of rest. To make one cook for all was far better.

Another planter thought it poor economy to require negroes to do any cooking after their day's labor was done. Each day he gave out to each hand half a pound of meat, and vegetables without stint; but cooking was done by one woman. The hours of labor were from daylight till noon, and from two in the afternoon until dark. While at work "they should be brisk. If one is called to you, or sent from you, and he does not move briskly, chastise him at once. If this does not answer, repeat the dose and double the quantity." †

As the field hand was but an instrument of production, the cost of feeding and clothing him was kept down to the smallest sum possible. Cotton jacket and trousers in summer; woolen jacket and trousers, made by slaves, and shoes in winter, were in general all the clothes a field hand was allowed. A report of forty-six Louisiana sugar planters to the Secretary of the Treasury gives thirty dollars as the

* DeBow. Industrial Resources, etc., of the Southern and Western States, vol. ii, p. 331.

† Ibid., pp. 330–337.

yearly cost of feeding and clothing a slave.* A Louisiana cotton planter estimated the cost of feeding a slave at seven dollars and a half a year, or a trifle over two cents a day.†

Buckingham quotes an advertisement of a contractor for prime negro men to work on a Georgia canal. He would pay the owners for each slave eighteen dollars a month, and allow each slave three and a half pounds of pork and ten quarts of ground seed corn per week, and lodge him in a comfortable shanty.‡

At daylight on the plantation all were astir. Work began at sunrise, and went on till dark. Twelve to fifteen hours a day was commonly required, but when cotton was to be picked or sugar-cane to be ground sixteen and eighteen hours were exacted. A negro driver followed each gang, urging it on with voice and whip, sparing none. Women worked in the field with the men. So they did in most European countries; but, as one traveller remarked, there was "something inexpressibly disgusting in the sight of a slave woman in the field." The hay-field and the harvest-field would have looked brighter to the observer if women had been there sharing the cheerful and wholesome toil. But a slave woman behind a plough was a sight very different from that of a Scotch lassie among the reapers, or an English mother with her children in the turnip field. The dull, sodden face down which the perspiration ran in streams, the brawny tread of the splay foot, the shiftless air, the scanty, dirty woolen garment, made a picture of misery never seen where women did not labor under the lash.§

Whether slaves were well treated or ill-treated depended, in part, on the character of the master,‖ but chiefly on that of the overseer. As the salary he could command was determined by the number of pounds of sugar or bales of cotton he

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* Olmsted. Cotton Kingdom, vol. ii, p. 238.

† DeBow. Resources, etc., vol. i, p. 150.

‡ Buckingham. Slave States, vol. i, p. 137.

§ Harriet Martineau. Retrospect of Western Travel, vol. i, p. 218.

‖ "The slave owners as a body are not cruel, and many of them treat their slaves with paternal and patriarchal kindness."—Charles Mackay, Life and Liberty in America, vol. i, p. 314.

could produce per hand,* humane treatment of the slave was little considered by him. Any who shirked, any who sulked, whether men or women,† boys or girls, were sure to feel the lash.

To the runaway no mercy was shown. Branding, cropping, ironing, shooting, whipping, were every-day punishments. Southern newspapers abound in advertisements, announcing the escape of slaves, or their seizure and detention by the police, and almost every such runaway is to be identified by some mutilation. "The letter A," says one, "is branded on her cheek and forehead"; "branded on the thigh and hips in three or four places, thus (J. M.)," says another; had the letter E on his arm, says a third. A fourth was "branded on the left jaw"; "A few days before she went off, I burnt her with a hot iron, on the left side of her face, I tried to make the letter M," says the owner of a fifth; "Molly, aged sixteen, had an R branded on her left cheek, and on the inside of both legs, and a piece cut off her left ear." When the negro Hown ran away, he had "a ring of iron on his left foot," and his wife Grisee had "a ring and chain on the left leg." A negro boy named James "was ironed when he left me." Caroline had "a collar with one prong turned down." David had "some iron hobbles around each ankle." Betsy had "an iron bar on her right leg." Manuel was "much marked with irons." ‡ Fanny had "on an iron band about her neck"; the "negro wench, Myra, has several marks of lashings, and has irons on her feet." Sam had "several shots in his left arm and side"; Dennis had "been shot in the left arm, between the shoulder and the elbow"; Simon had been "shot badly in his back and right arm"; Randal "has one ear cropped"; § Anthony "one of his ears cut off"; John has "his left ear cropped"; Jim "a piece cut out of each ear," and "my man, Fountain, had holes in his ears, had been shot in the hind parts of his legs,"

* F. A. Kemble. Journal of a Residence, etc., p. 28.

† Olmsted (Cotton Kingdom, vol. ii, p. 205) gives a horrid account of the flogging of a slave girl which he witnessed.

‡ Slavery as It Is, pp. 62–85.

§ Southern Telegraph, September 25, 1837.

and was "marked on the back with the whip." The mulatto wench, Mary, had "two upper teeth missing," and so had Tom,* and Peter,† and Moses,‡ and Sally,§ and Adolphe,‖ and Warren,¶ and thousands of others, for it was common to mark a runaway by breaking out one or two front teeth. Such a mark could not be hidden, and was sure to lead to detection.

Isham had a scar on "the under lip from the bite of a dog"; ** Ellic had one on his arm from a like cause; †† still another runaway had been bitten on the calf of the leg; ‡‡ another on the cheek; §§ for runaways were regularly hunted with packs of dogs.‖‖

Now and then an owner offered a reward for a runaway dead or alive.¶¶

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* Charleston Courier, October 17, 1837.

† Savannah Republican, July 3, 1837.

‡ Georgia Messenger, August 2, 1838.

§ New Orleans Bee, April 7, 1837.

‖ Ibid., October 12, 1838.

¶ Macon Telegraph, October 16, 1838. All the above are quoted in "American Slavery as It Is," pp. 83, 84.

** Huntsville Advocate, December 23, 1837.

†† Milledgeville Union, November 7, 1837.

‡‡ New Orleans Commercial Bulletin, July 21, 1837.

§§ Columbus Enquirer, January 18, 1838.

‖‖ "The subscriber, living on Carroway Lake, on Hoe's Bayou, in Carrol Parish, sixteen miles on the road leading from Bayou Mason to Lake Providence, is ready with a pack of dogs to hunt runaway negroes at any time. These dogs are well trained and known throughout the Parish. Letters addressed to me at Providence will secure immediate attention.

"My terms are five dollars per day for hunting the trails, whether the negro is caught or not. Where a twelve hours' trail is shown, and the negro not taken, no charge is made. For taking a negro $25.00, and no charge made for hunting.

"JAMES W. HALL."

—Madison Journal, November 26, 1847, published at Richmond, Louisiana. Quoted in Cass and Taylor on the Slavery Question, 1848.

¶¶ "$100 will be paid to any person who may apprehend and safely confine in any jail in this State a certain negro man named Alfred, and the same reward will be paid if satisfactory evidence is given of his having been killed.

"THE CITIZENS OF ONSLOW.

"Richlands, Onslow Co., May 16, 1838."

—Wilmington (N. C.) Advertiser, July 13, 1838.

Directly under this advertisement is one offering $25 for the negro man Richard, "dead or alive. Satisfactory proof will only be required of his being killed."

A sale of slaves was generally due to the death of the owner and the division of the estate among the heirs, their seizure to satisfy a mortgage or a debt, a bankrupt sale, need of ready money, the worthless character of the negroes as laborers, a disposition to run away, or because they had been raised for market. The medium of sale was sometimes an advertisement in a newspaper, sometimes the auction block, and often the professional slave-dealer. Scenes at the auction block, the physical examination by prospective buyers, the exposure for sale of young girls whose fine features and light color made plain the purpose for which they were to be used, have been described by a host of witnesses,* and was the subject of sharp attack by the abolitionists. But they must be taken as exceptions rather than the rule.

A common result of the sale of slaves at auction or by dealers was the separation of husbands and wives, parents and children, the sale of very young children and, at times, of infants. The boy, says a Lexington, Kentucky, advertiser, "will make for New Orleans, as he has a wife living near that city." † "He was brought from Florida and has a wife near Marianna, and will probably attempt to make

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Bryant Johnson, of Crawford County, Georgia, offers $20 for the negro man Ransom, "if taken dead or alive, and if killed in any attempt an advance of $5 will be paid."—Macon Telegraph, May 28, 1838. Enoch Foy, Jones County, N. C., offers $50 for the capture of Sampson, and "will not hold any person liable for damages should the slave be killed."—Newbern Spectator, January 5, 1838. In the same newspaper for December 2, 1836, is offered a reward of $200 for the capture of two runaways "or for the killing of them, so that I can see them." The reward for another fugitive reads, "in all probability he may resist. In that event $50 will be paid for his head."—Charleston (S. C.) Courier, February 20, 1836.

* Harriet Martineau describes an auction in Charleston (Retrospect of Western Travel, vol. i, p. 235). Buckingham describes and gives a picture of one in the St. Louis Hotel, New Orleans (Slave States of America, vol. i, p. 334). An account of one at Petersburg, Virginia, is given in Pennsylvania Freeman, December 25, 1846. Others are described by Fredrika Bremer (Homes of the New World, vol. ii, p. 204), and Hamilton (Men and Manners in America, p. 317). The most detailed of all is that by William Chambers in Things as They Are in America, pp. 279, 280.

† Lexington Intelligencer, July 7, 1838.

his way there," says a Macon slave-owner in search of his runaway.* "I suppose he is aiming to go to his wife, who was carried from the neighborhood last winter," says another in Richmond.† "Maria is known to be lurking in or about Chuckatuck, in the County of Nansemond, where she has a husband." ‡ Davis and Peggy "will probably make their way to Columbia County, as they have children living in that county." § When Maria, aged thirteen, ran away, "bare-headed and bare-footed," she "stated she was going to see her mother at Maysville." ‖ When Fanny was caught and committed to jail in Madison County, Tennessee, she said that her owner lived in Mobile; but "she formerly belonged to John Givins, of this county, who now owns several of her children." ¶ Nat ran away from the Eagle Tavern, in Sussex County, Virginia, and was "no doubt attempting to follow his wife, who was lately sold to a speculator." ** Philip "may have gone to St. Louis, as he has a wife there." †† A New Orleans newspaper advertised for sale a negro woman and two children, one eight and the other three years. "Said negroes will be sold separately or together as desired." ‡‡ "Will be sold before the Court-House door, in the town of Irwington, one negro girl, about two years old," is the notice of an executor's sale in a Georgia newspaper." §§ Two other executors give notice of the sale of "one negro girl about eighteen months old." ‖‖ Another baby, "about eight months old, levied on as the property of" a debtor, is advertised for sale in the same newspaper.¶¶ The separation of families is well illustrated by an advertisement for two run-

* Macon Messenger, November 23, 1837.
† Richmond Compiler, September 8, 1837.
‡ Norfolk Beacon, March 31, 1838.
§ Macon Messenger, January 16, 1839.
‖ Lexington Observer and Reporter, September 28, 1838.
¶ Jackson (Tenn.) Telegraph, September 14, 1838.
** Richmond Enquirer, February 20, 1838.
†† New Orleans Bulletin, February 7, 1838.
‡‡ Ibid., June 2, 1838.
§§ Milledgeville Journal, December 26, 1837.
‖‖ Georgia Journal, November 7. American Slavery as It Is, p. 168.
¶¶ Georgia Journal, January 2, 1838.

aways, Abraham and Frank. "Abraham had a wife in Liberty County and a sister in Savannah. Frank had a wife in Liberty County, a mother in Thunderbolt, and a sister in Savannah." * That a search for a husband, wife, or children was often the object of a runaway and the cause of flight, is beyond doubt.

The professional slave-dealer travelled about the border States, bought here one, there a couple, elsewhere a small family of slaves; took them to a private jail, barracoon, or slave pen, in Washington, Alexandria, Baltimore, or Norfolk, and when a score or two were gathered, sent them South. Some gangs were driven South on foot, or transported by steamboat down the Ohio and Mississippi rivers. Others were carried by sailing vessel to Mobile and New Orleans, for the great markets were in Alabama, Mississippi, and Louisiana. Coffles of one or two hundred,† the men chained together to prevent escape, and sometimes the women, were constantly passing southward. Randolph, speaking to the Virginia House of Delegates, in 1830, declared that for twenty years past the exportation of slaves from Virginia to the South had averaged eight thousand five hundred a year.‡

Professor Dew, who, a little later became president of William and Mary College, fixed the number at six thousand a year, and declared that Virginia was "in fact, a negro-raising State for other States." § In a letter from a gentleman in Virginia, published in a New York newspaper in 1835, it is asserted that twenty thousand slaves had been driven from the State during that year.‖ A Virginia editor, in 1836, estimated that fully one hundred and twenty thousand were taken off "within the last twelve months," and that forty thousand of them had been sold, the rest having

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* Savannah, Georgia, January 17, 1839. All the above, and many more instances of the separation of families and the sale of young children, are given in American Slavery as It Is, pp. 164–169.

† A picture of such a coffle is given in Buckingham's Slave States, vol. ii, p. 513.

‡ Quoted in American Slavery as It Is, p. 182.

§ Ibid.

‖ New York Journal of Commerce, October 12, 1835.

been carried away by owners who had removed.* A Tennessee newspaper remarked that "sixty thousand slaves passed through a little Western town for the Southern market during the year 1835." † The Natchez *Courier* stated that Louisiana, Alabama, Mississippi, and Arkansas, during 1836, imported two hundred and fifty thousand from the northern slave States.‡ A speaker at a Fayetteville Colonization meeting fixed the number sent annually from Virginia at six thousand, and remarked that in the course of twenty years Virginia and North Carolina had furnished three hundred thousand to the far Southwest.§

The price of a "prime negro" was from six hundred to eight hundred dollars. But it was not necessary that all who used slaves should own them. Such as could not afford to buy, or contractors or corporations needing a large number of men for a short time, could always hire. Thousands of blacks in the cotton States were owned by non-residents, and even in the border slave States the columns of the newspapers were crowded with advertisements of "Negroes for Hire," "Negroes wanted," or "Negro Hirings." ‖ Some belonged to masters who owned them not for use, but solely for hire; others were the property of heirs and were "hired out" by the guardian till the heirs came of age.¶ Others were parts of estates and were offered by an executor, administrator, or trustee.**

From the advertisement in the newspapers of negroes for sale, another fact is made plain: that a large proportion

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* Wheeling (Va.) Times. American Slavery as It Is, p. 184.

† Maryville Intelligencer. Ibid., p. 184.

‡ American Slavery as It Is, p. 184.

§ Ibid., p. 183.

‖ *Notice to Slaveholders:* Wanted upon my contract, on the Alabama, Florida and Georgia Railroad, *Four Hundred Black Laborers*, for which a liberal price will be paid.—Pensacola Gazette.

Wanted To Hire One Hundred prime negroes, by the year.—Savannah, Georgia, February 5, 1838.

¶ *Will be hired*, for one year on the first day of January, 1839, a number of valuable *Negroes*.—Lexington (Ky.) Reporter, December 26, 1839.

** *Will* be offered for hire, at my Hotel, a number of *Slaves*, consisting of men, women, boys and girls.—Winchester (Va.) Virginian, December 20, 1838.

of the slaves brought from the Northern slave-holding States, died before they were acclimated. Hundreds of advertisements, therefore, contain the assurance that the negroes offered are "Southern born," "country born," or "well acclimated." Thus, one owner offers "seventy-five acclimated negroes." * Another "one hundred and thirty acclimated slaves." † Another "sixty likely negroes, consisting of men, women, boys and girls, the most of whom are well acclimated." ‡ Still others give notice of a negro for sale who "says he is free." § Such a man might have been kidnapped in a free State; or remained longer in a slave State than the law allowed; or been convicted of some petty crime, and sold to service for a limited time and then hurried South. Of this the Governor of Delaware, in a message to the legislature in 1839, complained bitterly. Although ordered to be sold as servants for a term of years, said he, perpetual slavery in the South is their inevitable doom. It matters not for how short a time they may be sold if they can be carried out of the State. Once beyond its limits all hope of restoration to freedom is gone. Of the many colored convicts sold out of the State it is believed none ever return. They are bought for the express purpose of transportation for life.|| One advertisement for a runaway states that the boy "says he is free," and that he was "taken from near Shawneetown, Illinois." ¶ In another it is stated that the

* Vicksburg Register, December 27, 1838.

† Southerner (Miss.), June 7, 1837.

‡ Arkansas Advocate, May 22, 1837.

The above are taken from Slavery as It Is, pp. 161–162, which also cites advertisements from the Planters' Intelligencer (La.), March 22, 1837, the New Orleans Bee, February 9, 1838, and Natchez Courier, April 6, 1838.

§ Committed to the Jail of Tuscaloosa County, a negro man who says his name is *Robert Winfield and says he is free.*—Flag of the Union, June 7, 1838.

Committed to the Jail of Chickasaw Co., Edmund, Martha, John and Louisa; the man 50, the woman 35, John 3 years old, and Louisa 14 months. They say they are free and were decoyed to this State.—Grand Gulf Advertiser, December 7, 1838. Like advertisements from Mobile Register, July 21, 1838; Southern Argus, July 25, 1837; Vicksburg Register, December 24, 1835; July 31, 1836; Newbern Spectator, January 5, 1838, are given in Slavery as It Is, pp. 162–163.

|| Message of Governor Comegys, of Delaware, January, 1839.

¶ Slavery as It Is, p. 162.

runaway "was originally from New York and no doubt will attempt to pass himself as free." * He was free, had been kidnapped in New York, taken to New Bedford, shipped to New Orleans, sold as a slave, ran away, and reached Philadelphia in safety. The Baltimore *Sun* noticed a free negro from Virginia who was arrested for remaining in Maryland longer than allowed by the act of 1831, and was to be sold for non-payment of a fine of two hundred and twenty-five dollars. A free negro, from Delaware, was advertised for sale in Baltimore for non-payment of a fine of four thousand dollars.†

The moment a slave escaped from his master's plantation, danger beset him on every hand. He might be hunted down by professional slave-catchers and their blood-hounds. He might be stopped by the patrollers. If seen wandering over the country side he might be seized, lodged in jail, and advertised. If, however, aided by men of his race, he made his way to the border line, and into Pennsylvania or Ohio, a way to freedom was open to him over any of a score of routes of the Underground Railroad. Each route was a chain of stations or homes of abolitionists stretching from the border slave States to Lake Erie, to Canada, or to some great city in a free State. No organization existed along any of the routes. Each station was quite independent of the others. But once at one of them, the fugitive was fed, clothed, if need be, and hidden till he could be taken in secret to the next station, to be sent to the third, and so to freedom. Ohio was covered with such routes, others crossed Indiana and Illinois. Another went from New York City to Oswego and Rochester; many led out of Philadelphia.

How many slaves were sent to freedom by the agents of the Underground Railroad can never be known. Few kept a record of fugitives sheltered and passed on; but it seems quite probable that not far from two thousand a year made good their escape from slavery.

Against this the South complained bitterly, and more

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* Memphis Enquirer, December 28, 1838.

† Baltimore Sun, December 23, 1838.

bitterly still against the refusal of the North to obey the provisions of the Fugitive Slave Act of 1793. Sometimes the people interfered actively to prevent the execution of the law. What was worse, many of the free States enacted what came to be called personal liberty laws, framed deliberately to hinder the execution of the act of 1793. Now and then a vessel sailing from a Southern port would bring away a fugitive hidden in the hold.

Thus, in May of 1837 the schooner *Susan* sailed from a port in Georgia for a port in Maine. When a few days out a negro slave was found hidden on board. The captain and mate of the *Susan* were charged with slave stealing by the owners of the negro, and a requisition for their arrest and extradition was made on the Governor of Maine. He refused to grant it. An exchange of letters followed between the Governors of the two States, and Georgia appealed to Congress for an amendment to the act of 1793. She wished circuit and district judges of the United States to be compelled to surrender fugitives from justice.*

Virginia warmly upheld the cause of Georgia, for she, too, was engaged in a like dispute with Governor Seward, of New York. In the summer of 1839, the schooner *Robert Center* sailed from Norfolk for New York with a slave concealed on board. He was a ship-carpenter employed in repairing the schooner. The owner of the slave made an affidavit before the Mayor of Norfolk, charging three negro hands on the vessel—Peter Johnson, Edward Smith, and Isaac Gansey—with theft of his slave, procured a requisition on the Governor of New York for the extradition of the three men as fugitives from justice, went post-haste to New York, and reached there before the arrival of the vessel, boarded her the moment she came to the dock, recovered his slave, and caused the arrest of Johnson, Smith, and Gansey.

The requisition was served on Governor Seward one day in July as he was about to leave Albany for his home in Auburn. Seward promised to give the matter his attention; but the discharge of the prisoners on a writ of habeas cor-

* Senate Documents, 26th Congress, 1st Session, vol. v, No. 273, 1839.

pus led him to suppose the incidnet was closed. In September, however, a letter from the Acting-Governor of Virginia, on the subject of the surrender of the three men, brought forth his reason for refusing to comply.

The right of one nation, he said, to demand, and the duty of another to surrender, a fugitive from justice was limited to those offences which the laws of all nations held to be crimes. The provision in our Constitution for the surrender of fugitives from justice merely applied this principle to the States as sovereign, equal, and independent communities. It applied, therefore, to those acts only which, if done within the States in which the accused was found, would there be criminal or felonious. Now, the laws of New York did not recognize that one man could be the property of another, or that one man could be stolen from another. Therefore, the laws of Virginia, making the theft of a slave felony, did not constitute a crime within the meaning of the Constitution. In holding that men could not be property, Seward maintained that New York was asserting "the general principle of civilized communities."

The question thus became, Are slaves to be regarded as property by the Northern States in their intercourse with the Southern? The committee of the Virginia legislature that reported on the matter held that they were. The Constitution recognized slavery and guaranteed the master's right of property in his slave. When New York ratified the Constitution and became a party to the compact she was a slaveholding State. Could she by abolishing slavery within her bounds thereby so affect it in other States as to destroy it as a subject of theft? Could she, without consent of the other parties to the compact, change her duties under the Constitution? The committee said No. They hoped she would not persist in her view; but if she did, what was the remedy? Virginia might appeal to the Supreme Court, or to Congress, or to New York. She might appoint inspectors to search every ship trading with the North and see to it that no slaves were concealed. She might require all citizens of New York coming into Virginia to give bonds for their good behaviour. In each there was something to commend, something to con-

demn. Virginia preferred, therefore, as the slave had been recaptured, and the whole matter laid before the legislature of New York by Seward, there to leave it, and express her opinion in a set of resolutions.

The reasons given by Seward were declared unsatisfactory, and his refusal a palpable and dangerous violation of the Constitution. If sanctioned by New York, it would be the duty of Virginia to adopt decisive measures to protect the property of her citizens.*

Seward at once laid the report and resolutions before the legislature of New York,† which promptly struck back. On the sixth of May an act was passed granting trial by jury to persons claimed as fugitives from labor.‡ On the fourteenth the House Committee concurred in Seward's views and were discharged from further consideration of the matter.

A long correspondence followed between the executives of the two States, and when the legislature of Virginia next met it passed an act to prevent citizens of New York from carrying slaves out of the Commonwealth.§

All vessels owned or sailed by citizens of New York must, on entering the waters of Virginia, give a bond of a thousand dollars, and before sailing away must be searched to see that no slaves or fugitives from justice were concealed on board. The act was to go into effect May 1, 1842, but the Governor might then suspend it till the end of the next session of the legislature, if the Governor of New York by that time had given up Johnson, Smith, and Gansey, and New York had repealed her act of May, 1840.

Meantime a man guilty of forgery in New York had fled to Virginia, and his return had been demanded by Seward. To this the Governor of Virginia replied that the fugitive had been arrested and would be returned whenever

* Agreed to February 28, and March 17, 1840. A copy of the report and resolutions were sent to each State, and may be found in their documents.

† Special Message, April 11, 1840.

‡ An Act to extend the right of trial by jury. Laws of New York, Chapter 225, May 6, 1840.

§ Laws of Virginia, Chapter 72, March 13, 1841.

Seward surrendered Johnson, Smith, and Gansey.* Of this the Virginia legislature highly disapproved and passed a resolution declaring that the forger ought to be returned to New York.† Thereupon the Governor resigned, and the Lieutenant-Governor gave up the fugitive.

Mississippi by this time had passed resolutions condemning New York; in December, South Carolina likewise required all ships owned or sailed by citizens of New York to submit to search before leaving her waters,‡ and in April, 1842, the legislature of New York, having become Democratic, declared that slave stealing "contrary to the laws of Virginia," was a crime under the Constitution, and bade Seward send a copy of the resolutions to Virginia.§ This he firmly refused to do.‖

Georgia was the next to dispute with Seward. A seaman named John Greenman, in April, 1841, had induced a negro wench to run away from her master and take refuge on board a ship on which he had engaged passage to New York. Before the vessel sailed from Savannah the slave was found on board and restored to her master. For this Greenman was charged with two felonies—with the theft of the slave, and with the theft of the clothing and ornaments she wore and carried in her hand—and a requisition for his surrender was made on Seward. Again he refused to comply.¶ The man had not stolen, nor ever had in his possession the clothing and ornaments worn by the slave girl, nor did his inducing her to run from her master constitute a crime, for the law of New York did not recognize such a property right of a master in a slave as to constitute the slave a subject of theft from the master.

Sometimes it happened that the slave stealer was caught

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* Secretary of the Commonwealth to Seward, March 16, 1841. Seward's Works, edition 1884, vol. ii, p. 492.

† Resolution of March 20, 1841.

‡ Laws of South Carolina, Act of December 17, 1841.

§ Resolutions of April, 1842.

‖ Special Message, April 12, 1842.

¶ Seward to the Governor of Georgia, June 15, 1841. Works, edition 1884, vol. ii, pp. 519–523; also pp. 524–546.

in a Southern State. Woe to him who was, for a harsh, if not brutal, punishment awaited him. A Massachusetts sea captain, Jonathan Walker, went to Florida to build a railroad. He employed slave labor and, in 1844, because of his knowledge of the sea, was induced by some slaves to help them escape to a port in the British West Indies. After the boat had rounded the Florida capes Walker fell ill, the negroes knew not how to sail her, and while knocking about in the sea were overhauled by the crew of a wrecking schooner. Walker was brought back to Key West, sent in chains to Pensacola, and was convicted of slave stealing. The letters S. S. (Slave Stealer) were branded on his right hand. He was exposed and pelted in the pillory and sentenced to serve as many terms of imprisonment and pay as many fines as there were slaves on the boat, and to suffer imprisonment till he paid the fines. For eleven months he languished in jail, chained by the foot, before his friends raised enough money to secure his discharge. In Missouri, three men, Burr, Thompson, and Work, caught in an attempt to carry two slaves across the Mississippi, were sentenced to twelve years in the penitentiary. After an imprisonment of three years and a half Work was pardoned and sent back to Connecticut. A year later Burr was released and driven from Missouri. Thompson served nearly five years in the jail.*

Just at this time the Supreme Court handed down its decision in the case of Prigg against the Commonwealth of Pennsylvania. A slave woman fled from Maryland in 1832, and found refuge in York County, Pennsylvania, where children were born to her. Five years after her flight, Edward Prigg was sent to catch her, procured a warrant and brought her before a magistrate, who refused to take cognizance of the case. Thereupon Prigg, aided by others, seized the woman and her children and carried them back to her Maryland owner. Because of this act Prigg and his companions, Bemis, Forwood, and Lewis, were indicted by a grand jury for kidnapping. And now the State of Mary-

* Prison Life and Reflections; or, a Narrative of the Arrest, Trial, Conviction, etc., of Work, Burr, and Thompson.

land stepped in to defend them. The act under which the indictment was made had been passed in 1826, after a plain and full understanding with Maryland, and at that time met with her approval. But times and opinions had changed. The antislavery people, who denounced the law in 1826, looked on it with favor in 1839. Maryland, who regarded the law as wise and proper in 1826, denounced it as unconstitutional in 1839. Her legislature resolved that the right of a slave-holder to recover his property in a free State was guaranteed by the Constitution and could not be abridged or restrained by the legislature of any State, and bade the Governor send a commission to Pennsylvania to procure the dismissal of the indictment against Prigg and his companions, or arrange for a reference of the question to the Supreme Court of the United States.

The Attorney-General of Maryland was appointed commissioner and addressed a long letter to the Governor of Pennsylvania.* The letter was laid before the legislature, and in May of 1839 "An Act relating to the trial of Bemis and others in York County" was approved by the Governor. If Bemis and his companions would voluntarily surrender themselves to the Court of Quarter Sessions, the case, by a special verdict and writs of error, was to be taken, step by step, to the Supreme Court of the United States. Should that Court declare the act of 1826 unconstitutional and reverse the decision of the Supreme Court of Pennsylvania, all action was to stop.†

Council for Maryland and Prigg held that the old law was unconstitutional for three reasons: Because Congress had sole power to legislate on the subject of the delivery of slaves escaping from one State into another. Because, if this power was not exclusive, still the concurrent power of the States was suspended by the Fugitive Slave Law of 1793. Because, if it were not suspended, still the act of Pennsylvania was in collision with the Act of Congress, and, therefore, unconstitutional and void.

* Journal of the Pennsylvania Senate, 1838–1839. February 16, 1839, pp. 421–427.

† Laws of Pennsylvania, 1838–1839, Act 101, May 22, 1839.

The Court decided that the act of 1826 was unconstitutional and reversed the decision of the Supreme Court of Pennsylvania.* Congress had exclusive power to legislate on the subject of fugitives from labor. The owner of a slave under, and in virtue of, the Constitution was clothed with the right, in every State in the Union, to seize and recapture his slave whenever he could do it without breach of the peace. The clause of the Constitution relating to fugitive slaves contemplated the existence of a positive unqualified right on the part of the owner of a slave, which no State law could in any way qualify, regulate, control, or restrain. The act of 1793, however, created no obligation on the part of any State to require its judges and justices to take part in the administration of it. The clause, said the Court, is found in the National Constitution; not in that of any State. It does not point out any state functionaries, nor specify any state actions, to carry its provisions into effect. The states cannot, therefore, be compelled to enforce it. A State magistrate might, if he chose, act under the law, unless forbidden by the legislature.

The effect of this decision was far-reaching and was shown in many ways. The Governor of South Carolina believed that it made the New York law granting trial by jury to fugitives null and void. The legislature of South Carolina bade its committee on the judiciary report on this matter, and whether the law requiring ships bound for New York to be searched ought not to be repealed.

In Massachusetts the application of the decision to a slave case led directly to the passage of a liberty law. A negro named George Latimer, one day in 1842, was seized in Boston by a claimant having no warrant. Counsel for the negro sued for a writ of habeas corpus. Chief Justice Shaw denied it. The claimant then asked for time to get evidence from Virginia. Justice Shaw granted the request and remanded the negro to the keeping of the city jailer. While confined in jail his counsel applied for a writ of personal replevin under the law granting trial by jury in such cases. But

* 16 Wallace, pp. 539–674.

Justice Shaw refused it. Since the decision by the Supreme Court in the Prigg case the law, he held, was unconstitutional.

This was too much for the antislavery people who had watched the trial with deep interest. Meetings were therefore held in the Belknap Street Church and in Faneuil Hall; public feeling was still further roused by the publication, during some weeks, of a newspaper called *The Latimer Journal and North Star;* petitions were sent to the sheriff, asking that he remove the jailer, and when that failed the Governor was asked to remove the sheriff. At last four hundred dollars were subscribed and Latimer bought and set free.* But this did not end the excitement, and two monster petitions were prepared. One, signed by more than fifty-one thousand citizens of the Commonwealth, was rolled on a reel, inscribed "The Great Petition to Congress," and one morning in February was placed on the desk of John Quincy Adams. The petitioners set forth that they desired to free the Commonwealth and themselves from all connection with slavery, and prayed that such laws be passed and such an amendment to the Constitution be proposed as would separate the people of Massachusetts from all connection with slavery. The House refused to receive it.†

The second petition bore over sixty-five thousand signatures, and was addressed to the legislature of Massachusetts. The Supreme Court having declared, in the Prigg case, that State magistrates might act under the Fugitive Slave Law of 1793, unless stopped by the legislature, the petitioners prayed that all persons holding office under the Commonwealth be forbidden to aid in the arrest of any one claimed as a slave, and that use of jails and other public property for the detention of any alleged fugitive from labor be prohibited.‡ The prayer was heard, and "An Act further to protect personal liberty" passed the legislature. Henceforth no

* Liberator, October 25, November 11 and 25, 1842; February 3, 7, 17, 1843.

† Congressional Globe, 27th Congress, 3d Session, p. 317, February 20, 1843. The reporter stated that it was rolled "on a large wooden framework and presented the appearance of a gigantic reel or juvenile water-wheel."

‡ Anti-Slavery Standard, December 1, 1842.

judge of any court, no justice of the peace, should take cognizance of or grant certificates in any case arising under the third section of the Fugitive Slave Law of 1793. Sheriffs, coroners, constables, jailers, all officers of the Commonwealth, were forbidden to arrest, or detain, or assist in the arrest, detention, or imprisonment in any jail in Massachusetts, of any person claimed as a fugitive from labor.*

And now State after State enacted similar laws. Before the year closed Vermont had a Personal Liberty Law,† Connecticut followed in 1844,‡ New Hampshire in 1846,§ Pennsylvania in 1847,‖ and Rhode Island in 1848.

At the time Massachusetts passed her Personal Liberty Law, a resolve was adopted requesting Congress to propose an amendment to the Federal Constitution apportioning representatives and direct tax among the States according to the number of free inhabitants.¶ When presented to the House of Representatives by Adams, in December, there was a hot debate over the question of reception. It was, however, received and sent to a select committee of nine from which, in April, came almost as many reports as there were members. Adams and Giddings defended Massachusetts, reviewed every phase of the slavery question, attacked the South, and recommended that consideration be postponed till the first Monday in December. Gilmer and Burt attacked Massachusetts and declared it inexpedient to propose such an amendment. Ingersoll and Davis opposed a change. Burke charged Massachusetts with an attempt to subvert the Constitution and dissolve the Union, and thought the amendment ought not to be recommended. Sample held it to be inexpedient to recommend a change, and Morse asserting, and truly, that such an amendment could never pass Congress, declined to advise any alteration in the Constitution.**

* Laws of Massachusetts, 1843, Chapter 69, March 24.

† Laws of Vermont, 1843, No. 15, November 1.

‡ Laws of Connecticut, 1844, Chapter 28, June 6.

§ Laws of New Hampshire, 1846, Chapter 315, July 10.

‖ Laws of Pennsylvania, 1847, No. 159, March 3.

¶ Resolves of Massachusetts, Chapter 60, March 23, 1843.

** Reports of Committees, 28th Congress, 1st Session, vol. ii, No. 404. The six reports make a pamphlet of 114 pages.

The Committee accordingly reported that the proposal of Massachusetts ought not to be recommended, and was discharged.

While the Committee was deliberating the legislature of Massachusetts, which had become Whig, a second time proposed the amendment,* for the people wished it well understood that the request was not a party measure. Three times Adams attempted to have these new resolutions sent to his special committee, and three times the House refused.

Copies of the first set, passed by the Democratic legislature, were sent out according to custom to the States, and greatly excited the legislatures of Virginia, Alabama, and Georgia. Virginia declared them to be, not a proposition to amend the Constitution, but a plan to break up the Union, described them as unkind, unjust, and faithless to the compromises of the Constitution; held them worthy of the deepest condemnation of every patriot and friend of the Union; and bade the Governor return to Massachusetts the copy she had sent.† Alabama looked on the resolutions as an evidence of bad faith on the part of a sister State.‡ Georgia declared that such an amendment would be a gross violation of the faith pledged when the Constitution was adopted.§

In the House the Virginia resolutions were sent to a select committee which reported that it agreed with Virginia and that the resolves of Massachusetts ought to be promptly and decisively condemned. They were condemned by a great majority. When Massachusetts received the Virginia resolutions, and her own returned, she answered with a new set declaring that the amendment was offered in good faith, and that so far from proposing a dissolution of the Union, they stated a principle essential to its stability and permanence.‖

The growing disposition of the North, in the early forties, not to give up slave stealers nor return fugitive slaves brought

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* Resolves of Massachusetts, 1844, Chapter 1, January 16, 1844.

† Passed February 15, 1844.

‡ Senate Documents, 28th Congress, 1st Session, vol. iii, No. 156.

§ Ibid., No. 106. The resolutions of the three States may also be found in Congressional Globe, pp. 243, 342, 360, 361.

‖ Resolves of Massachusetts, 1844, Chapter 103.

further retaliation from the South. The free negro was attacked. South Carolina forbade emancipation and made any provision in a will to that effect null and void. Mississippi required every justice of the peace, at the request of a freeholder, to bind over each free black within his jurisdiction. Should the negro be unable to give a bond of a hundred dollars he must go to jail, and after due notice, be sold to pay cost of feeding. None were to enter the State. If one did, the sheriff, on complaint of a white citizen, must give him thirty-nine lashes, and on failure to promptly leave the State must sell him.

Missouri forbade any free negro, or mulatto, to come into the State on board a steamboat, or other vessel, as cook, mariner, steward, or passenger. If such a one came he must be arrested and confined in jail till the vessel left. The captain might then recover him by paying the cost of detention.*

A convention of slave-owners at Annapolis called on the State of Maryland to compel all free negroes to register themselves each year; to require the Orphans' Court of each county and Baltimore to bind out the children of free negroes when eight years old; and to provide that if any free black having a license to preach should hold, or attend a meeting forbidden by law, he should for the first offence be fined and imprisoned and for the second be sold out of the State.†

Such attacks on men who were citizens of free States had long been looked on in the North as unconstitutional. Maine solemnly protested against any laws in any State or Territory which subjected her free colored citizens to arrest, imprisonment, and sale, and called for their repeal.‡ They were unconstitutional and endangered the Union. Massachusetts, in 1839, passed resolutions remonstrating against the South Carolina Negro Seaman Act. Under it a number of her negro citizens, serving on board coasters entering the port of Charleston, had been seized and deprived of

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* Laws of Missouri, Act of February 23, 1843.

† Niles's Register. ‡ Resolves of Maine, March 22, 1843.

liberty, and because of a like act of Louisiana had suffered similar treatment at New Orleans.

When nothing came of the remonstrance, her legislature, under pressure of public opinion, in 1843, instructed the Governor to appoint two agents, one residing in Charleston and one residing in New Orleans. They were to find out how many citizens of Massachusetts, without any charge of crime, had been imprisoned in the two cities and bring suit in their behalf at the cost of Massachusetts. Twice did the Governor appoint agents and twice did they decline to serve. He then appointed Samuel Hoar, of Concord, and Henry Hubbard, of Pittsfield.

Mr. Hoar was sent to Charleston, reached the city on a Friday late in November, and at once, by letter, informed the Governor of South Carolina of his arrival and why he came.

An interview with the mayor was next sought, but his honor was in Columbia, and while awaiting his return, Mr. Hoar was visited by the sheriff of Charleston District, the acting mayor, and an alderman. The sheriff told him that the people regarded his mission as an insult from Massachusetts, that they were much excited, and advised him by all means to leave the city at once. All this was confirmed by a party of gentlemen who called a couple of days later. Many plans for getting rid of him, they said, were under consideration. The mildest was to seize him, put him on board one of the New York packets and send him North. That night a gentleman came to him with an offer. If he would leave at once, the sheriff would agree to make up a case to go before the Circuit Court and then to the Supreme Court for settlement. To this Mr. Hoar agreed; but when the sheriff was seen at his office he declared that it would be impossible to make good his promise.

As Mr. Hoar left the office one of the sheriff's officers bade him start for home at once. "If you stay till to-morrow morning you will feel something you will not like, I'm thinking," said he. During the afternoon of Wednesday a physician of standing came to the hotel. Danger was not only great but imminent, he assured Mr. Hoar. Excite-

ment ran high. People were gathering in groups. All that was needed to bring on an attack was for somebody to say, "Now is your time." The visitor offered his plantation as a place of refuge and urged Mr. Hoar to go.

On Thursday a bank president and two lawyers came to urge him to remain no longer. The boat, they said, left at three in the afternoon before which time a party of gentlemen would call to escort him to the dock. Mr. Hoar and his daughter now made ready to go, but no one came. About noon on Friday, however, he was called downstairs and found carriages before the door of the hotel, and in the hall, on the piazza and in the street a crowd of men. They were there, he was told, to escort him to the boat. Protests were of no avail. The question was merely whether he would walk or be dragged to the carriage. He chose to walk, entered one with his daughter, was driven to the boat, and returned to Boston.*

Scarcely had he gone when the legislature adopted a set of resolutions. They declared that a State had a right to exclude from its soil seditious persons, or any whose presence was dangerous to the peace; that free negroes were not citizens of the United States, and that Mr. Hoar was to be regarded as an emissary sent to interfere with the institutions and threaten the peace of South Carolina, and should be treated accordingly.†

Public indignation caused by these disputes had not had time to subside when it was aroused to a higher pitch by the kidnapping of a negro in Boston. The brig *Ottoman*, belonging to a Boston firm, sailed from New Orleans in August, 1846. When seven days out a mulatto slave, naked and half starved, was found hidden in the forepeak. The captain at once determined to send him back. If he did not he would, when the ship next came to New Orleans, be subject to imprisonment of from two to ten years, and to a fine equal to the value of the slave. A sharp lookout was, therefore, kept at the masthead in hope of meeting some vessel bound to New Orleans.

* Senate Document, No. 4, 1845.

† Resolves concerning the treatment of Samuel Hoar by the State of South Carolina. Massachusetts Resolves 1845, Chapter 111, March 24, 1845, pp. 626–644.

None was met and, early in September, the *Ottoman* having arrived off Boston light, he was placed on board a pilot boat for safekeeping, while the brig went on to Boston. The owners of the vessels decided to send back the slave on another of their ships, the bark *Niagara.* The captain then went down the bay in a small craft, received the fugitive and was awaiting the coming of the *Niagara* when a gale forced him to land on Spectacle Island. While there the slave took the boat and made sail for South Boston Point. The captain gave chase in another boat, landed ten minutes after the negro, chased him over fields and fences, captured him and charging him with theft, hurried him, followed by a crowd, to the shore and sailed away.

News of the seizure spread through the city. A reward of one hundred dollars was offered for the captain who fled to the outer island in the bay, while his companions went back to Boston for a boat in which it would be safe to go to sea. When the *Vision,* for so it was named, arrived, the slave was put aboard and all sail made for sea, where, the next day, he was placed in charge of the captain of the *Niagara.*

No sooner had this been done than a steamer, loaded with men, bore down on the *Vision,* and took the captain and his companions to Boston, where they were charged with kidnapping. A great public meeting was held in Faneuil Hall. John Quincy Adams, John A. Andrew, Theodore Parker, Charles Francis Adams, spoke. Ralph Waldo Emerson, William H. Seward, and others sent letters, and a Committee of Vigilance was appointed. The committee collected evidence and laid it before a grand jury which declined to consider the matter because of press of business. The next grand jury declared the evidence insufficient to hold the captain on charge of kidnapping, and so the struggle ended.*

A few months later a rescue case occurred in Michigan, and the State of Kentucky appealed to Congress for a better fugitive slave law. In January, 1847, one Francis Trout-

* Address of the Committee appointed by a Public Meeting held at Faneuil Hall, September 24, 1846, for the purpose of considering the recent case of kidnapping from our soil and taking measures to prevent the occurrence of similar outrages. Boston, 1846.

man was hired by a slave-owner of Kentucky to go to Marshall, in the State of Michigan, and bring back six runaway slaves. Marshall was a station on the underground railroad, and contained at that time a large number of fugitives. On reaching the town he went in company with the deputy sheriff and three Kentuckians to a house, found the slaves therein, and bade them come with him before a magistrate. Ere they could do so a crowd of citizens gathered and with threats and menaces succeeded in preventing their removal. There was, the agent was told, no need of a trial; the people were determined to prevent the removal of the negroes; the law, it was true, was on his side, but public sentiment was against Southerners reclaiming slaves and must supersede the law.

The crowd now organized a mass-meeting and passed a resolution declaring that the Kentuckians should not remove the negroes by moral, physical, or legal force. A consultation was then held by eight or ten of the leaders and the question, May the Kentuckians take the negroes before a magistrate, was discussed.

The decision was No, whereupon a resolution was offered and carried that the Kentuckians must leave town within two hours. This was not put into execution, for they were arrested, tried, found guilty of trespass, and fined one hundred dollars. The agent was then arrested for drawing a pistol, and bound over for trial at the next Circuit Court.

When all these things were reported in Kentucky a public meeting of the people of Trimble and Carroll counties was held. Resolutions were adopted, the legislature was addressed, and that body called on Congress for a law to enable citizens of slave-holding States to recover slaves when found in the free States, and asked Michigan to take the matter into serious consideration.*

The Senate sent the memorial to the Committee on Judiciary, which reported a new fugitive slave bill.† It was read twice, but no further action was taken, and when reported again, at the next session, met with the same treatment.‡

* Senate Miscellaneous Documents, 30th Congress, 1st Session, No. 19.

† Senate Journal, 30th Congress, 1st Session, May 3, 1848, p. 313.

‡ Ibid., 2d Session, January 30, 1849, p. 165.

Pennsylvania passed her Personal Liberty Law in March of 1847. Scarcely had she done so when a man named Kennedy came from Maryland to Carlisle in search of two runaway slaves. His counsel, ignorant of the new law, had them arrested in the old-fashioned way and brought at once before a magistrate who ordered them delivered to their master and put in the jail till the owner was ready to take them home. The free negroes, of whom there were many in town, now employed counsel, and on a writ of habeas corpus the imprisoned fugitives were taken before Judge Hepburn. He, too, was ignorant of the new law, and was about to remand them to the sheriff when some one in the crowd told the counsel for the negroes judges had been forbidden to take cognizance of cases arising under the act of 1793, and jailers to receive persons claimed as fugitive slaves. He had seen the law in a newspaper. Proceedings were at once stopped, a copy of the newspaper was procured, and the negroes discharged. The judge, however, remarked that he knew no reason why the owners should not seize them where they stood.

This was done. Carriages were then sent for, and when all was ready Kennedy, holding the slave woman and a companion the slave man, left the court room. The free negroes, meantime, had gathered about the court-house door. As Kennedy started for a carriage they crowded around him and sought to pull away the woman. He struck fiercely with a cane. The fight became general and in the course of it Kennedy fell over a pile of boards and broke his knee-pan. The woman made good her escape; but the man was forced into a carriage and driven away.*

A little later in that year the Supreme Court handed down its decision in the Van Zandt case. Nine slaves, the property of a man by the name of Jones, escaped, in the spring of 1842, from Kentucky to Ohio. There they fell in with a farmer named Van Zandt on his way home from market at Cincinnati. Van Zandt, who was one of the agents of

* Statement of W. H. Miller, who was counsel for Kennedy. Congressional Globe, 36th Congress, 2d Session, pp. 801, 802.

the underground railroad, took the slaves into his wagon and while driving through the town of Sharon, in the early morning, was seen and chased by two pro-slavery men. They overtook him some six miles beyond the town, forced seven of the slaves to go back, and lodged them in the jail at Covington. One more returned to his master later, but one made good his escape, and Jones brought suit under the Fugitive Slave Law of 1793 for five hundred dollars for concealing and harboring a fugitive slave. The case was tried in the Circuit Court, and when a verdict was given for Jones, Salmon P. Chase, of counsel for the defendant, moved to arrest judgment and boldly assailed the act of 1793 as unwarranted by, and repugnant to, the Constitution of the United States, and to the sixth article of the Ordinance of 1787, and as therefore null and void.

That the issue thus raised might be brought before the Supreme Court of the United States the judges of the Circuit Court differed, *pro forma*, and in 1847 the Supreme Court listened to arguments by Chase and Seward. The justices decided that the Fugitive Slave Law was not repugnant to the Constitution, nor to the Ordinance of 1787.*

Despite the treatment of a large part of the slaves in the cotton belt, as described in the advertisements of their owners, despite the floggings, brandings, shootings, and bites of blood-hounds, despite the cropping, slitting, and notching of ears, the iron collars with prongs turned down, the chains, the fetters, the iron bars, the separation of families, the kidnapping, and the auction block, it was often asserted they were the happiest people in the world. Chevalier believed that they were less severely tasked, better fed, and better cared for than most of the peasants of Europe.† Another traveller declares they were better clad, fed, and cared for than the slop tailors and seamstresses of London and Liverpool, or the agricultural laborers of Europe.‡ Another observes that, notwithstanding the weight of oppression that

* 5 Howard, pp. 215–232. Jones vs. Van Zandt.

† Society, Manners, and Politics in the United States. Michael Chevalier, 1839, p. 155, note.

‡ Mackay. Life and Liberty in America, vol. i, p. 311.

bore upon them, and the cruelties which they suffered, the slaves exhibited a light-heartedness which surprised him.* They were happy if their physical wants were supplied. Grund thought them better fed, better clothed, and with fewer cares than the free negroes of the North.† Murat considered them far happier than the peasants of Europe, or workingmen in the manufacturing towns of England.‡ Fredrika Bremer held that under a good master slaves were better cared for than the poor working people in many parts of Europe.§

Lady Wortley found them thoroughly happy and contented.‖ When Lyell recalled the condition of the peasants of Europe, their ignorance, intemperance, improvidence, and hard struggle for food, he did not consider the lot of a slave on a well-conducted plantation a matter for lamentation.¶ In the North, said the author of "The South Vindicated," the laborer is doomed to suffer all the privations of his condition in life. His toil is severe. Poverty and care attend his humble path. His family must be fed and clothed, his wife nursed in sickness, his children maintained in youth. His means are often not enough to supply his wants. Dogged all his life by poverty, care, humiliation, and oppression, he dies knowing full well that the same wretchedness awaits his children. The slave knows none of these ills. No fear of want disturbs his slumbers. Hunger and cold are strangers to him. In sickness and old age a guardian and friend stands ready to shield him from suffering. His labor is light. He never sickens from unwholesome food, but, protected from all the Northern laborer has to fear, lives happily and at ease.**

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* Mackay. The Western World, vol. i, p. 287.

† Grund. The Americans in their Social, Moral, and Political Relations, 1837, p. 346.

‡ Achille Murat. America and the Americans, 1849, p. 67.

§ Fredrika Bremer. Homes of the New World, vol. i, p. 296.

‖ Lady Emmeline Stuart Wortley. Travels in the United States, etc., during 1849 and 1850, vol. i, p. 218.

¶ Lyell. Second Visit to the United States, vol. ii, p. 78.

** The South Vindicated from the Treason and Fanaticism of the Northern Abolitionists, 1836, pp. 67–68.

Paulding, in a long review of slavery, asserted that all who had visited the slave States "must have been struck with the uniform hilarity and cheerfulness which prevailed among the blacks." * "In comparing the sources of happiness within the reach of a well-treated slave with those of a free white hireling, the disadvantages will not all be found on one side." † To prove this he reviewed the condition of the operatives in Great Britain, of the peasants in Germany, Hungary, Russia, Southern Europe, and of the laborers in the United States. These latter he found, "as respects the essentials of comfort, far beyond the rest of the world." Yet they worked harder than slaves, and were often thrown out of employment and deprived of bread all because they had no master to care for them and shield their families from hunger, cold, and distress.‡

The effect of slavery on the prosperity of the South was visible. The traveller, said de Tocqueville, who floats down the current of the Ohio, passes between freedom and slavery and needs but to look about him to decide which is the better for man. On the south bank population is thinly scattered. Here and there gangs of slaves go indolently over half-desert fields. The primeval forest unceasingly appears. The people seem asleep. Man seems to be idle. Nature alone affords a picture of activity and life. From the north bank, on the contrary, comes the busy hum of industry. There the fields abound with rich harvests, comfortable homes, the care and task of the laborers. Prosperity is everywhere. Man seems rich and contented; he toils.

Great, indeed, was the industrial contrast between North and South. The South grew all the cotton; yet the value of cotton goods manufactured in the free States was forty-two millions, while it was less than four millions in the slave States. Save Maryland, which manufactured nearly one-third of the Southern output, no slave State made five hundred thousand dollars' worth. Woollen goods made each year in the free States were valued at twenty millions; in the

* Slavery in the United States. J. K. Paulding, 1836, p. 177.
† Ibid., p. 179.
‡ Ibid., pp. 267, 268.

slave States at seven hundred thousand dollars; the iron of the North at fourteen millions, of the South at five millions; the lumber of the North at nine millions, of the South at three millions; the hardware of the North at six millions, of the South at three hundred and fifty thousand; the machinery of the North at over eight millions, of the South at less than a million and a half; the paper of the North at five million dollars, of the South at five hundred thousand. Nine-tenths of the hay crop, two-thirds of the wheat, nine-tenths of the potatoes, were grown in the North. Two-thirds of the corn crop and two-thirds of the swine were raised in the slave States.

The areas of cultivated land in the two sections were nearly equal. In the North were fifty-eight million acres; in the South fifty-five million. But the cash value of the farm lands in the free States was one billion dollars greater than the cash value of farm lands in the slave States. Not only was the land more costly, but the profits of agriculture were very much larger. Though the South grew all the rice, all the sugar-cane, all the hemp, and five-sixths of all the tobacco, the crop of hay harvested each summer by the farmers in the North brought them more than twice as much money as came to the planters and farmers in the South from all the rice, hemp, sugar-cane, and tobacco combined, they raised each year. The North grew twenty times as much buckwheat, three times as much oats, and two and a half times as much wheat, and made five times as much butter and eighty times as much cheese, as did the South. The market value of all these crops and products grown or made in the slave States was forty-six millions of dollars; the value of the hay crop of the free States was seventy-three millions of dollars.

The South, on the other hand, was the great exporter. Of the one hundred and fifty-one million dollars' worth of goods and products sent abroad in 1850, eighty-five millions were in cotton, tobacco, and rice.

Even the great trades were neglected in the South. There were five times as many hat and cap makers, three times as many tailors, six times as many cordwainers, three

times as many carpenters, four times as many masons, three times as many black and white smiths, three times as many wheelwrights, ten times as many machinists in the North as in the South. It would scarcely be believed, in any other country in the world, said a Southern writer, that there is not a hatter's shop in the good city of Charleston, nor in Columbia. Indeed, it would be hard to find one in the State of South Carolina.* In what other city in this age of improvement is a bookbinder or job printer forbidden to use a small steam engine to enable him to carry on his business more cheaply; where else is a carpenter not allowed to use steam to turn a circular saw or drive a mortising chisel that he may compete with others and supply us with ready-made doors, sashes, and shutters? The labor of negroes and blind horses can never take the place of steam. Yet steam power is withheld lest the smoke disturb the delicate nerves of some agriculturist, or the noise of the mechanic's hammer break the slumber of some landholder or merchant, while indulging in fanciful dreams or building on paper the queen city of the South, the paragon of the age.† The educational contrast between the sections was as interesting as the industrial. Of the five hundred and forty-nine thousand whites above the age of twenty who could neither read nor write, three hundred and forty-six thousand were in the slave-holding States, and of these over one-half lived in Virginia, North Carolina, and Tennessee. Virginia with five hundred thousand whites above the age of twenty, had fifty-eight thousand illiterates. In the six New England States there dwelt a million six hundred thousand whites over twenty years of age; all but thirteen thousand could read and write. The frontier States of Indiana, Illinois, and Michigan had nearly nine hundred thousand white citizens over twenty years old; yet there were but sixty-seven thousand of them who could neither read nor write.

In the free States in 1850 were sixty-two thousand five hundred public schools; in the slave States eighteen thou-

* De Bow's Commercial Review, vol. ii, p. 137. The census of 1850 gives South Carolina 45 hat and cap makers.

† Ibid., vol. viii, p. 140.

sand five hundred. In the eleven seaboard slave States from Delaware to Texas, both included, there were, in 1850, but eight more public schools than in Ohio. In New York and Ohio were twenty-eight hundred more than in all the fifteen slave-holding States. A South Carolinian declared that the money spent each year by the legislature of his State for school use was little better than wasted. Even penal laws, he said, would not force many of the country people to send their children to school. All the capital, enterprise, and intelligence of the country was used in directing slave labor. The poor white people, therefore, were wholly neglected and left in a state but one step in advance of the Indians.*

With the plain people so poorly educated, it is not surprising that there were sixteen thousand eight hundred libraries in the North, and but seven hundred and twenty-two in the South; that there were three and a half times as many scientific newspapers in the free States as in the slave-holding States; more than two and two-third times as many religious newspapers, nearly two and two-third times as many literary and miscellaneous periodicals, nearly two and a half times as many political newspapers, and more than one and a half times as many independent in politics.†

The annual circulation of the free State literary, political, and religious papers was four million three hundred thousand copies; of those in the slave States eight hundred thousand. In the North were eleven thousand eight hundred printers; in the South twenty-six hundred; in the North three hundred and twenty-one book publishers; in the South but twenty-four.

Socially and industrially, the North and the South were now two distinct peoples.

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* William Gregg, De Bow's Commercial Review, vol. xi, p. 135.

† Compendium of Census, 1850, pp. 157–158.

CHAPTER LXXVII.

THE MOVEMENT FOR EXPANSION.

The task which lay before Webster when he broke with his colleagues and decided to remain in the Cabinet of Tyler, was indeed a hard one. Never during any time of peace had feeling against Great Britain run higher. Each great section of the country, the North, the South, the West had at least one grievance against her. The Aroostook War had brought the dispute over the northeast boundary of Maine to a crisis; the burning of the *Caroline*, an outrage unatoned, still rankled in the minds of our countrymen along the Canadian border; the arrest of McLeod and the sharp demand for his release seemed likely to plunge the two countries into war at any moment. The call for the occupation of Oregon was every day growing stronger and stronger in the West, while a recent exercise, off the coast of Africa, of the right of search, and the refusal of Great Britain to surrender the slaves from the brig *Creole,* inflamed the South and added new recruits to the party eager for war.

That the time had come when these grave issues must be settled, peaceably if possible, forcibly if necessary, admitted of no doubt.

Failure to settle the northeastern boundary during the administration of Jackson had been followed by another attempt and another failure during the administration of Van Buren. After a delay of nearly two years the proposition of the United States for a joint commission of survey and exploration * was vaguely and indefinitely answered by Great

* History of the People of the United States, vol. vi, p. 432.

Britain.* Satisfied that nothing now remained but the adoption of a conventional line Van Buren ordered that the sense of Maine be taken as to the expediency of opening a direct negotiation with that end in view.

The reply of Maine was a flat refusal. She would consent to no negotiations for a conventional line, nor to the appointment of a new arbitrator. She insisted on the treaty line of 1783, and instructed her delegates in Congress to support a bill then pending for the survey of the northeastern boundary.† Should the bill fail, should no joint commission of survey be appointed before September first, the Governor was to send commissioners to run and locate the northeastern boundary as Maine understood it. Forsyth then renewed the offer of a joint commission of exploration and survey; ‡ but Fox had no power to negotiate such a convention and sent the note to London.§

A year now passed away, the Aroostook War broke out, the two countries came near to an appeal to arms, the necessity of a speedy settlement of the boundary became more imperative than ever, and the President was empowered to send a special mission to London to bring the ancient controversy to a close. The offer of such a mission was made to Lord Palmerston,‖ who declined ¶ it, and sent a draft of a convention for regulating the proceedings of a joint commission for a new survey.** Forsyth disapproved and tendered a counter-project, and while this was under consideration the British Minister complained of more aggressions in the disputed territory. He charged Maine with building a road to connect Augusta with the disputed Territory, with sending surveyors to lay out townships, with selling land there, with extending the operations of armed posses, and with

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* Fox to Forsyth, January 10, 1838.

† Resolves of the State of Maine, March 23, 1838. See also letters of Governor Kent to Forsyth, March 28, 1838, and April 28, 1838.

‡ Forsyth to Fox, April 27, 1838.

§ Fox to Forsyth, May 1, 1838.

‖ Stevenson to Lord Palmerston, March 30, 1839.

¶ Palmerston to Stevenson, April 3, 1839.

** Fox to Forsyth, May 10, 1839.

building posts fortified with entrenchments and cannon and garrisoning them with armed men.* The Governor of Maine explained the ground for these charges and in turn accused the British of stationing troops on the disputed territory and erecting extensive barracks.† Another exchange of notes and protests between the two governments followed, and Maine adopted another set of vigorous resolutions. The time, she said, was near when the disputed boundary must be settled by the Government either by negotiation or by arms; that unless, during the present session of Congress, the British Government accepted a proposition for the immediate settlement of the boundary, it would be the duty of the Government to take military possession of the disputed territory, and as a sovereign State she called on the Government to do its duty and protect her in extending her authority to the utmost limits of her territory.‡ During the summer the British Government replied to the counter-project of Forsyth, accepted some of the propositions, and promised another project of its own; § but ere it came the arrest of McLeod occurred and the relations of the two countries became more strained than ever.

Such was the state of the negotiations when Webster became Secretary of State, and the current of events began to run more smoothly. At home McLeod was acquitted. Abroad the Melbourne ministry fell from power, Lord Palmerston ceased to be Foreign Secretary, and in his place was put Lord Aberdeen, a man more kindly disposed toward the United States.

Quite sure that the time had now come to make another attempt, Webster, in the summer of 1841, informed Fox that he was ready to begin negotiations for a conventional line. The offer was well received, and from Lord Aberdeen came a promise that a special minister should be sent with full power to settle all questions in dispute between the two countries. The choice fell on Lord Ashburton, who, it was

* Vail to Governor of Maine, November 6, 1839.

† Governor of Maine to Van Buren, December 23, 1839.

‡ Resolves of Maine, March 18, 1840.

§ Fox to Forsyth, June 22, 1840.

believed, would be well received by the United States. His lordship had at one time been head of the banking house of Baring Brothers, and because of this, was particularly hateful to the Democratic press, then busy attacking all banks, bankers and brokers. Why, it was asked, if Great Britain really wishes to settle the dispute, does she not negotiate with Mr. Everett? Because she has an ulterior object; she wishes to secure some action by the Federal Government on State debts. Was it not Baring Brothers who, in 1839, suggested the assumption of State debts by the Federal Government? Whig stock-jobbing organs heartily approved, but the voice of an indignant people cried No, and the scheme failed. English stock-jobbers, however, will not abandon the attempt and have sent an eminent stock-jobber to try his powers at the very time when embarrassing questions between the two governments are many and increasing. Perhaps the disputed territory in Maine is to be offered as satisfaction for assumption of the State debts. Perhaps he has been authorized to offer the disputed territory, indemnity for the slaves set free in the West Indies, an abandonment of the right of search, and satisfaction for the burning of the *Caroline* as the equivalent for the assumption of State debts. Are the people ready to see their Government become a stock-jobber? Are the people of the six States, with no debts, willing to be taxed to pay the debts of twenty others? * The London newspapers, and the Circular to Bankers, leave no doubt that the great stock-jobber is the agent to the British nobility, which owns one hundred millions of our State stocks. These stocks have depreciated about sixty per cent, and their owners, alarmed lest repudiation cause a total loss, clamor for assumption by the General Government which would lift the stocks to par. The Circular to Bankers asserts that failures to keep public faith occur most frequently in States governed by democracies. "Hence we find that public faith has been maintained in all the Kingdoms of Europe, except the two of the Southern peninsulas, where the struggles of Democracy for the ascendency have recently

* Philadelphia Public Ledger, January 26, 1842.

been fiercest. And hence, also, we find in the New World that wherever Democracy prevails, public faith has been trodden on." Does not this explain the reason for sending Alexander Baring to the New World? His sole object here is to rescue British property from the devastating hand of Democracy.*

While awaiting the arrival of Lord Ashburton, Webster began in serious earnest to make ready for the negotiation. His first act, the grand stroke, as he called it, was to seek the consent of Maine and Massachusetts to a conventional line. Reuel Williams, then a Senator from Maine, was asked to sound the Governor and leading men of the State as to the willingness of the legislature to send commissioners to Washington fully empowered to agree to such a line with the understanding that it should not be adopted without their assent.† Williams replied that from such information as he could gather, it seemed quite likely that the Governor and legislature would accept a conventional line, provided that privileges of navigation and other benefits were given in lieu of any territory that might be ceded.‡ As it was not known, however, that Lord Ashburton would have authority to agree to a conventional line, nothing could be done before he arrived. Should Maine appoint commissioners and then find that his lordship could not discuss such a line, she would be placed where no true American could wish to see her.

At this stage of the correspondence Webster received from Jared Sparks a letter and a copy of a map which greatly helped him in his negotiations. Early in 1841, while Sparks was searching in the Archives des Affaires Étrangères, in Paris, for papers relating to the Revolution, he found a letter from Franklin to Vergennes, dated the sixth of December, 1782. The note accompanied a map on which, said Franklin, "I have marked with a strong red line, according to your desire, the limits of the United States as

* Public Ledger, January 27, 1842.

† Webster to Reuel Williams, February 2, 1842. Van Tyne's Letters of Daniel Webster, pp. 256–258.

‡ Williams to Webster, February 12, 1842. Ibid., pp. 258–260.

settled by the preliminaries between the British and American plenipotentiaries." A search among the maps brought to light a map of North America, by D'Anville, 1746, on which a strong red line was drawn around the entire boundary of the United States, not only by land but by sea. But unhappily it was so drawn that after leaving the source of the St. Croix River it stopped short of Mars Hill, turned westward, and passed between the head-waters of the Penobscot and Kennebec Rivers and the St. John, so as to exclude all the waters flowing into that river. It was almost exactly the line contended for by Great Britain. Should the map prove to be that mentioned by Franklin, the claim set up by Maine fell to the ground.

Whether it was or was not, Webster determined to use it to force Maine to modify her demands and accept a conventional line, and despatched Sparks to Augusta to show it to the Governor of Maine.* The Governor at once declared for a conventional line, and by his influence the legislature was induced to appoint four commissioners. Two were Whigs and two were Democrats, and to them were given no instructions and unlimited power. Massachusetts, which had likewise been invited to send agents, soon after appointed hers, and in June, Webster, and Lord Ashburton took up the question of the northeastern boundary.. The commissioners from Maine fought sturdily for their State, but in the end were forced to accept a line which gave Great Britain eight hundred and ninety-three square miles more territory than had been awarded her by the decision of the King of the Netherlands.† They had seen the red-line map and, it is probable, feared that if no treaty were made another arbitration might follow, that the map might be laid before the arbitrator, and that the second award might be worse than the first.‡

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* Webster to Governor Fairfield, May 16, 1842. H. B. Adams, Life and Writings of Jared Sparks, vol. ii, pp. 394–401.

† In the disputed territory were 12,027 square miles. Of these the King of the Netherlands assigned 7,908 to the United States and 4,119 to Great Britain. The treaty gave the United States 7,015 and Great Britain 5,012.

‡ "I have no predilection for the red-line map; yet the Maine commissioners

Great Britain, on her part, by way of return, agreed to open the St. John River for transportation to the sea, free of toll and duty, of the products of the forest which bordered, and of the land which was drained by it and all its branches; consented that the forty-fifth parallel should remain as incorrectly marked out prior to 1774; waived all claims to Rouse's Point on Lake Champlain, and promised that the "disputed territory fund" received by the authorities of New Brunswick for the timber cut on the land in dispute should be divided between Maine and Massachusetts. Lord Ashburton further consented to put in the treaty the requirement that the United States should pay each of the two States one hundred and fifty thousand dollars, and, in addition, should refund to them the cost of surveying and defending the territory. Certain channels in the St. Lawrence, Detroit, and St. Clair rivers were opened to both parties, and the boundary line from a point below Sault Ste. Marie to the forty-ninth parallel was carefully defined.

On the *Caroline* affair Webster was far too yielding. The most he could wring from Lord Ashburton as the result of an elaborate correspondence was the assurance that "no slight to the authority of the United States was ever intended"; "that there was, in the hurried execution of the necessary service, a violation of courtesy"; and that "looking back to what passed at this distance of time, what is, perhaps, most to be regretted is, that some explanation and apology for this occurrence was not immediately made." * "The President," wrote Webster in reply, "is content to receive the acknowledgments and assurances in the conciliatory spirit which marks your lordship's letter, and will make the subject, as a complaint of violation of territory, the topic of no further discussion between the two Governments."†

Recent action of Great Britain, looking to the suppres-

certainly would not have assented to the treaty if this testimony, such as it is, had not been before them."—Jared Sparks to George Folsom, June 2, 1843. Adams' Life and Letters of Jared Sparks, vol. ii. p. 411.

* Ashburton to Webster, July 28, 1842.

† Webster to Ashburton, August 6, 1842.

sion of the slave-trade, led to the adoption of the cruising convention. The centre of this nefarious traffic was that part of the west coast of Africa which lies between Senegal, some sixteen degrees north of the equator, and Cape Frio, eighteen degrees south. Along this coast line of thirty-six hundred miles were scattered five English, four French, five American, six Portuguese, five Danish, and eight Dutch settlements. Some were little fortresses without a town; others were clusters of houses or farms. British, French, and Americans did much to suppress the slave-trade; the Portuguese favored it, while the Dutch and Danish had no influence either way. This left some three thousand miles of coast where slavers obtained their cargoes. Dotting it were hundreds of stations known as "factories," where the slaves were confined in pens or barricoons, ready to be shipped the moment a vessel arrived. Some were on the sea-shore, and some at the mouths of rivers. Others, up the rivers, were strong thatched buildings, holding sometimes several thousand negroes, and were supplied with arms and cannon for protection against an uprising of the captives or an attack by surrounding natives. The negroes collected by the nearby chiefs were sold to the factory agents.

Slavers were either fitted with a slave deck or had concealed on board the necessary material for such a deck. Instead of the closed hatches of a merchantman they had gratings, boilers large enough to cook rice for the slaves, extra water casks, shackles, and a large crew. There must also be two sets of papers, two or more persons representing themselves as captains or masters of the vessel, and flags of all nations. All this was for purpose of disguise.*

Such a vessel, disguised as a fair trader, would no sooner reach her destination off the African coast than all disguise would be thrown aside, a cargo of slaves would be run out in boats from the barricoon, manacled, thrust into the hold, and in a few hours the vessel would be on her way to Cuba, Porto Rico, Brazil, or, it might be, to the United States. Great Britain, for the praiseworthy purpose of putting a stop to

* Commanders Bell and Paine to the Secretary of State, May 10, 1842.

this shameful trade, had, from time to time, entered into conventions with European nations authorizing the search of trading vessels of each party by armed cruisers of the other. To such an agreement the United States had never consented. When Monroe was President a convention was, indeed, framed with Great Britain, providing for visitation of British and American vessels suspected of being slavers. But the coast of America was included in the searching grounds, the Senate would not agree to this, and so amended the convention as to exempt the coasts of the United States. To this Mr. Canning would not consent, and the convention was never ratified. Later Great Britain made right of search treaties with France, Denmark, and the Hanse Towns, and, in 1838, called a conference of the Powers for the consideration of the slave-trade.

By this time the persistent refusal of the United States to consent to search, in any form or in any degree, had made our flag the protector of every slaver bold enough to fly it. So flagrant was the abuse that Van Buren brought it to the attention of Congress, and a bill to prevent such use of the flag of the United States, and of unauthorized papers, in the foreign slave-trade passed in the Senate, but was dropped in the House. Tyler in his turn complained of the increase of the trade; but when some vessels were searched off the African coast by British cruisers he denounced the act. At the same time he asked that existing laws for the suppression of the slave-trade be made more efficient. A few weeks later delegates from England, France, Prussia, Austria, and Russia assembled at London in response to the call of Great Britain in 1838, and signed the Quintuple Treaty.

Each of the high contracting parties agreed that any merchant vessel sailing under its flag, and, "on reasonable grounds," suspected "of being engaged in the traffic in slaves," might be stopped and searched by the ships of war of either or all the others.* Neither Prussia, Russia, nor Austria had ever been engaged in the slave-trade. It may well be doubted whether anybody supposed that a vessel un-

* British and Foreign State Papers, 1841–1842, p. 269.

der the flag of either of these nations ever would be searched as a slaver. The two powers really concerned were Great Britain and France—nay, in the opinion of our countrymen, there was but one, and that one was Great Britain.

Lewis Cass, who then represented our country in France, was strongly of this belief, and inflamed by hatred of Great Britain, attacked her in a pamphlet and protested vigorously to the French Minister of Foreign Affairs, M. Guizot. The pamphlet and the protest did their work well; the President approved them both, the people applauded, France declined to ratify the Quintuple Treaty, Mississippi protested against "granting the right of search to Great Britain for the purpose of suppressing the African slave-trade," and Giddings was censured for his resolutions on the case of the brig *Creole*. That the two countries should come to an agreement on the suppression of the slave-trade was clearly necessary. The result was the cruising convention, an article of the treaty which bound each nation to keep on the coast of Africa a squadron carrying not less than eighty guns, to enforce, separately, its own laws, and to act in concert when the exigency arose.

The recent disorders along the Canadian border, and the refuge which offenders against the laws of each country found the moment they escaped into the territory of the other, led to an article stipulating for the extradition of persons who, being charged with murder, attempt to murder, piracy, arson, robbery, forgery, or the utterance of forged paper, committed within the jurisdiction of the one power, should be arrested within the jurisdiction of the other.

An issue touching which Lord Ashburton could enter into no formal stipulation, was the treatment of slavers driven by stress of weather into the ports of the British West Indies, or carried there by force, as was the *Creole*.

Webster urged that some practical means should be taken to give security to the coasting trade against what he called "unlawful annoyance and interruption" in the Bahama Channel. A vessel on the high seas was part of the territory of the nation whose flag she bore. If, against the wish of her captain, she was forced within the jurisdiction of an-

other power, she was still subject to the exclusive jurisdiction of the nation to which she belonged. True it was, that no sooner did a slave touch the shore of England than he became free, because the laws of England positively forbade the existence of such relation between man and man. This rule of English law, however, did not mean that the authorities of England could enter the jurisdiction of another nation and destroy rights and obligations lawfully existing under that nation's authority. If, therefore, a vessel of the United States pursuing a voyage from port to port along its shore were driven by stress of weather, or taken by force, into British ports, the United States could not consent that British authorities should enter her to destroy the relations of persons or things on board. When slaves, the property of citizens of the United States, escaped into British territory, it was not expected that they should be restored. But slaves on board an American vessel, lying in British waters, were not on British territory, nor under the operation of British law. If his lordship could not enter into a stipulation by treaty for the prevention of such occurrences hereafter, it was hoped he could engage that instruction should be given that local authorities on the islands must regulate their conduct in conformity with the rights of American citizens.

His lordship would go no further than to engage "that there shall be no officious interference with the American vessels driven by accident or by violence" into the West Indian ports, and urged that the whole matter be referred to London, and so it was left.*

Another issue, and a most serious one, on which this treaty was silent, but which Webster claimed was not left where he found it, was the impressment of American sailors. Lord Ashburton had no authority to discuss it. But Webster, believing that "a question of such serious importance ought now to be put at rest," wrote a famous letter to his lordship the day before the treaty was signed. He reviewed the history of old attempts to settle the issue, discussed the position taken by Great Britain, and closed with the state-

* After ten years of negotiation the *Creole* case was submitted to arbitration in 1853 and Great Britain paid an indemnity of $110,000.

ment that the United States was prepared to say, "the practice of impressing seamen from American vessels cannot hereafter be allowed to take place"; and that henceforth "in every regularly documented American merchant vessel, the crew who navigate it will find their protection in the flag which is over them."

August ninth the treaty was signed, and two days later was laid before the Senate. In the debate which followed, Rives made known the existence of the red-line map. When the injunction of secrecy was removed and the speeches published, that knowledge passed to the public, found its way to Great Britain, and led to long and bitter discussion, both at home and abroad. There were those who held that Webster was in honor bound to have shown the map to Lord Ashburton, and there were those who held that it was no more the duty of a negotiator than of a lawyer to give his opponent evidence damaging to his case; and there were those who, like Benton, denied that the map was the one returned to Vergennes by Franklin; and there were those who firmly believed that it was the very one on which he had drawn the strong red line.*

The treaty was ratified by the Senate on August twentieth, by a vote of thirty-nine to nine, and on September first a dinner was given to Lord Ashburton by his American admirers at New York.

When the toast, the President of the United States, was given, the entire company save Lord Ashburton and his suite remained seated and silent. When the toast, the Queen, was announced, it was greeted with three hearty cheers. Heretofore, on such occasions, representatives of the press had been treated as guests, had been seated as part of the

* For the discussion of the red-line map, see the Speech of Benton in Congressional Globe, August 18, 1842; Sparks's The Treaty of Washington, in North American Review, April, 1843; Sir Robert Peel's Speech Defending Webster, in Boston Daily Advertiser, April 2, 1843; Sparks's Letters, April 6 and 11, 1843, in the Boston Daily Advertiser; Webster's Speech before the New York Historical Society, April 15, 1843; Webster's Works, vol. ii, p. 153; Winsor's Narrative and Critical History of America, vol. vii, pp. 171–182, where a full bibliography is given; and Winsor's Cartographical History of the Northeastern Boundary, in Proceedings of the Massachusetts Historical Society, October, 1887.

company, and put at the head of the table nearest the toastmaster and the speakers. On this occasion, however, they were seated at a side table, and informed that they would not be served till the company had dined. Indignant at such treatment, they waited till Lord Ashburton and Commissioner Evans, of Maine, had spoken, and then went out in a body and revenged themselves by spreading far and wide the incident of the toasts. As it became known the wrath of the friends of Tyler flamed high and public meetings of protest were held at Philadelphia, Baltimore, Boston, and New York. The Philadelphia meeting expressed the indignant resentment and contempt of the people for the conduct of those so-called Americans. At New York a great procession of citizens, without regard to party, was arranged. Twenty-six carriages, in which were seated women representing the States, and a boy carrying a banner inscribed "The Rejected Toast," five companies of militia, and a thousand citizens took part. After marching through the streets, a meeting was held in the park and resolutions condemning the insult to the President were adopted.*

In Maine the treaty found no friends among the Democrats. Great Britain, said one journal,† gains on all sides of our State. She gets an easy and ready communication between Halifax and Quebec on the North. She gets good military positions on the four-mile strip ceded to her on the east, and still others along the whole chain of highlands given to her on the northwest. On the east side, said another, a large strip is yielded to Great Britain. Instead of running the line due north from the monument at the source of the St. Croix, as the old treaty provides, the line bends westward to Mars Hill, which is four miles west of the true meridian. This greatly strengthens the British military road in that quarter.‡ Maine, said a third, will lose about three million acres, or one million more than she would had the Dutch award been accepted. In return she is to have the free navigation of the St. John River, one hundred and

* Philadelphia Ledger, September 3, 5, 6, 9, 10, 14, 1842.

† Belfast Republican Journal.

‡ Augusta Age.

fifty thousand dollars, and the posse account of two hundred thousand more. Rouse's Point is retained, and New York, New Hampshire, and Vermont have their boundary lines established as they wish. If the St. John runs through our territory we have a right to navigate it. Can the free navigation of it be considered the equivalent for territory? Can benefits received by other States be looked on as an equivalent for territory lost to Maine? *

For the time being Webster was an unpopular man in both Maine and Massachusetts. Even his friends now cried out that the time had come for him to leave the Cabinet. On the other hand, strangers wrote to him from all parts of the country, urging him not to quit the Department of State. When, however, the Massachusetts Whigs met to nominate candidates for State offices, they declared that the misdeeds of Tyler "left no alternative to the Whigs of Massachusetts but to declare, as they do now declare, their full and final separation from him," and then presented Henry Clay to the Whigs of Massachusetts as justly entitled to their suffrages "for the first office in the gift of the American people." Friends in Boston thought it was high time for Webster to speak out and proposed a public dinner; but, at Webster's request, this was changed to a public reception, and on the last day of September, in Faneuil Hall, he delivered a famous speech. That he would justify his conduct in remaining in the Cabinet, defend his treaty, and define his future course of action, perhaps announce his withdrawal from the Cabinet, was fully expected by friends and enemies. Both were disappointed. To those who, a year before, had blamed him for remaining in the Cabinet, he said that, thinking he was at a post where he could be of service to his country, he stayed there, and that on this subject he should leave them as enlightened as he found them. To those who thought he ought now to resign he said: "I give no pledges; I make no intimation, one way or the other, and I will be as free, when this day closes, to act, as duty calls, as I was when the dawn of this day—" Here his words were drowned in an out-

* Maine Democrat.

burst of applause. The Massachusetts Whigs, who had declared a full and final separation between Tyler and their party, were asked where they meant to place him. "If," said he, "I choose to remain in the Cabinet do these gentlemen mean to say that I cease to be a Whig? I am quite ready to put that question to the people of Massachusetts." From personal he turned to public issues, praised the conduct of Tyler in the treaty negotiations, defended the treaty, and passed in review what he called the four great objects in the Whig revolution of 1840, peace with England, increase of revenue, protection to manufacturers, and restoration of the currency. He approved of the Exchequer plan of Tyler, declared that a national bank founded on private subscription was "an obsolete idea," upheld the veto, pointed out the impossibility of amending the Constitution in this respect, denounced repudiation, and hinted that the public lands might be used to enable the States to pay their debts.

Well did he say that the speech "raised a dust." Both Whig and Democratic journals set upon him. "If Mr. Webster," said one, "thinks he can dictate to the Whig convention of Massachusetts, he will find that he far overestimates the amount of his influence here." "We will tell him," said another, "what his Whig brethren have done with him; they have nominated Henry Clay for the Presidency, and Massachusetts, as sure as she exists in 1844, will give her electoral vote to that candidate." "Mr. Webster," said a third, "continues to vouch for the Whiggery of Mr. Tyler; but who will vouch for the voucher?" "If," said a fourth, he wishes to share the fate of Mr. Tyler, and go with him to the support of John C. Calhoun, he is a free agent; if he wishes to give Whig principles and Whig men the benefit of his commanding eloquence, he will be welcomed back to those ranks long honored by his presence and his labors."

But the treaty in the eyes of many was still further defective, because Webster had left the Oregon question where he found it. This was held to be a serious matter, for the issue was fast becoming of grave importance. Emigration

had begun, and with emigration came the demand for land and government.

At the special session, in August of 1841, a petition from citizens of Alabama informed Congress that they proposed to emigrate to Oregon, and asked for armed protection. At the following regular session one hundred and eighty citizens of Missouri gave it as their opinion that unless the territory was quickly settled it would be seized by Great Britain, and announced that many of them were ready to emigrate, if Congress would establish military posts in the territory to protect them against the British and the Indians, and would give each settler, after five years' residence, six hundred and forty acres of land.* At that same session a memorial from the town of Washington, in Oregon, prayed Congress to confirm to the settlers the land on which they had settled, and to establish military posts to protect them from "the oppression and insults of the British Hudson's Bay Company," † and Senator Linn brought in a bill. It provided for a chain of stockaded posts, or block-houses, from the Missouri to the best pass over the mountains, for a grant of one square mile of land to each male settler eighteen years of age, or over, who should cultivate the tract for five years, and to each married man, in addition, one hundred and sixty acres for his wife, and one hundred and sixty for each child born in the territory during the first five years of residence therein. The arrival of Lord Ashburton and the belief that the Oregon question would be a subject of negotiation prevented consideration of the bill. But when the treaty was laid before the Senate with the question still unsettled, Linn declared that at the next session he would push the bill to a vote.

Meantime both the Government and the people had acted. John C. Frémont was despatched by the Secretary of War to explore a route from western Missouri to the South Pass, and Elijah White was appointed Indian Agent in Oregon. White was instructed to go back to Oregon as quickly as

* Globe, 27th Congress, 2d Session, p. 361.

† Ibid., p. 361.

possible, taking with him all the emigrants he could. He at once put his affairs in order and started for Independence, setting forth as he went, by notices in the newspapers, by addresses and by lectures, that a company was forming to settle in Oregon and that Elm Grove, some twenty miles from Independence, was the gathering place. So successful was he in attracting public attention that many who were planning to go at their own risk * to Oregon decided to join him, and raised the number assembled at Elm Grove to one hundred and nine souls. Fifty-six were men, fourteen were women, and thirty-nine were children.† White was chosen commander for one month, and on the morning of May seventeenth the company, with horses, pack mules, cattle, and a train of eighteen wagons, began its long journey across the plains. Before setting out it was resolved that a code of laws should be framed and that the penalties for breaking them should be reprimands, fines, or a casting out from the company. A scientific corps of three men was chosen to keep such a record of scenes and events by the way as might be of use to the Government and to emigrants yet to follow. A secretary, pilot, and blacksmith were elected; a master wagon-maker and a master road and bridge builder were appointed by the captain, and the secretary was ordered to put down the name of every man, woman, and child in the party.‡ Each afternoon, according to regulations, and if wood and water were to be had, camp was made at four o'clock. Then the wagons were drawn up in a great circle, the animals turned loose to feed, the fires lighted, and the tents for the men pitched. At sunset the horses, mules, and cattle were driven within the corral, guard was mounted, and as darkness came on the women and children went to their beds in the covered wagons. As the dawn broke a signal

* "From paragraphs appearing this spring in Western journals," said the New York Sun, "it seems that quite a number of people are making arrangements to emigrate to the Oregon Territory."—Pennsylvanian, May 13, 1842.

† The name, former residence, occupation, etc., of each were published in the Western Missourian, May 21; Missourian Reporter, June 2, 1842; Pennsylvanian, June 15, 1842.

‡ White. Ten Years in Oregon, pp. 145–146.

roused the sleepers, the cattle were herded, breakfast eaten, and the train formed as before, save that the wagon which led one day was on the following sent to the rear. When a deep ford was to be crossed, boards were laid on the tops of the wagon boxes, the loads placed on the boards and the women and children on top of the loads.

At the end of the first month Lansford W. Hastings was elected captain, and ruled the company in so wilful a way that it split into two parties, which travelled each by itself till Fort Laramie was reached, on June twenty-third. There the tired travellers rested one week, disposed of half their wagons, bought flour, coffee, and sugar at extortionate prices, and were joined by six Canadians, who had served the fur company in the country east of the Rocky Mountains. Before resuming the march the warring factions were united through the good offices of the commander of the fort.

Scarcely had Laramie been left behind when the company fell in with Bridger and a companion named Fitzpatrick on their way East with furs. The latter was secured as guide. On Independence Rock some of the party cut their names. The Sweetwater was crossed on July thirteenth. At Green River there was another quarrel and separation, and some of the remaining wagons were broken up to make pack-saddles. The running gear of the others was bartered at Fort Hall for flour. Then a ten days' rest was taken before the company, led by Hastings, again took up the tiresome march. White, with Fitzpatrick and a few companions, pushed on ahead and made their way to Vancouver. Hastings and his party crossed the Snake River at Fort Boise, visited Whitman at Waiilatpu in September, and went on to the Willamette Valley, where many settled at Oregon City.

To Hastings and many of his followers Oregon was far from what they expected, and in May, 1843, some fifty of them set off with him for California. Long before White and his party reached Oregon, Webster and Ashburton had framed the treaty that now bears their names. Ashburton had been fully instructed in the Oregon boundary, but, lest discussion of the issue should hinder, or perchance make

fruitless the negotiation, Webster had declined to discuss it. No sooner was the treaty ratified by Great Britain than Fox invited him to take up the matter, and again he declined. The President, he said, would refer to it in his message, and our Minister would be duly instructed.

The President, however, ignored the offer to negotiate, and in his message declared that he would "not delay to urge on Great Britain the importance of its early settlement." Thus deceived as to the true state of the issue, Senator Linn again brought in his bill. When the debate on it began the preamble was promptly stricken out. The words "Whereas, the title of the United States to Oregon is certain and will not be abandoned" were thought unnecessary, not in good taste, and a poor way in which to assert an unquestionable title. Against the bill many questions were raised. Could the country with its treasury empty, its currency in disorder, its States steeped in debt and unable to pay interest on their bonds, bear the cost of a chain of stockaded posts? Was this the time to raise such an issue with Great Britain, and present it in a manner she might resent? Would not the grants of land to settlers be an exercise of that exclusive jurisdiction over the territory forbidden by the Conventions of 1818 and 1827?

The one question is, said Choate, of Massachusetts, does this bill break the Convention of 1827? We have agreed that Oregon shall be free and open to the subjects of England. May we, then, as a Government, do an act which will tend to exclude British subjects in whole or in part from Oregon? May we parcel it out into farms, enclose the farms with stone fences, lay them down in grass and grain, and vest the title to them in American citizens? This is the real question. And is this leaving it free and open to subjects of England? Why, in five years, if the bill produces the effect expected, not an Englishman can set his foot in Oregon for purposes of farming, hunting, or trading. If England puts a construction on the convention which authorizes the two governments to colonize, if she waives, deserts, breaks the convention, then you may pass the bill. But I see no proof that she violates the convention. That her sub-

jects are silently and widely occupying the territory, culling out the choicest parts, taking up the best mill sites, reclaiming the richest lands, extending the English name, character, institutions over all of it, making it slowly into another English colony, may be true. In that case it may be wise to end the convention. The question is not whether England is or is not friendly to us, not whether she is proud, ambitious, grasping, not whether she meditates the gift of liberty to the enslaved. The question is, Does she grant land in Oregon to English subjects, to be enjoyed exclusively and adversely to all the world? Of this there is no proof. Two courses lie before us. The one, serve the year's notice at once, end the convention, and then at the close of the year proceed to plant a colony in Oregon. The other and the better is, end forever, by negotiation, the last of the questions serious enough to endanger the peace of two great nations of one blood and one faith.

Has not Great Britain, said Linn, extended her jurisdiction over Oregon? Has she not built forts, set up establishments, and settled farms? Can she in the face of this object to the United States doing the same? Is it not a fact that forts, called Hudson's Bay Company "trading posts," have been built on the Columbia? Is it not a fact that subjects of Great Britain have picked out, settled on, and cultivated lands under the promise of protection by the Crown? Under the treaty our citizens may do the same. But our Government has failed to promise them protection. We are told that the British do not understand the treaty as giving any joint rights but trading, hunting, fishing, trapping. Have not British subjects large farms on the Columbia? Have they not at London the Puget Sound Company to carry on farming on a great scale at Nesqually, Colville, Walla-Walla, and Vancouver? Have they not saw-mills from which goes lumber to the Sandwich Islands? Have they not contracts with Russia to furnish beef, pork, wheat, and salmon? Does the treaty give Great Britain a right to turn Oregon into farming settlements and deny it to us?

This bill, said Benton, intended to secure a part of what is our due, is resisted because it implies the assertion of an

exclusive possession which may be a breach of the convention of 1818. Such a view is wrong. The British at this moment are in exclusive possession of the ground covered by Fort Vancouver, Fort Colville, and by all the other forts, and of all the ground they cultivate. They have forts, houses, fields, farms, and possess them exclusively. Grants of land to American settlers would be no more exclusive than these. They would exclude only to the extent of the grant. The third article of the convention of 1818, an article continued indefinitely by the convention of 1827, and which cannot be ended save after one year's notice by one party to the other, secured to each free and open access to all the rivers, harbors, creeks, and bays. We secured the right to go on British claims to hunt, fish, and navigate. She acquired the right to go on our claims for like purposes, without in any way prejudicing the claims of either to any part of the country. What were our claims? The Columbia River from source to mouth. How have the British acted under the convention? They have crossed the parallel of forty-nine degrees, come down on the Columbia, taken possession of it from mouth to source, fortified and colonized it, monopolized the fur trade, driven our traders across the mountains, and killed more than a thousand of them. This is what they have done by their agent—the Hudson's Bay Company. What have we done? Nothing. So far from going into the Northwest to hunt, fish, and navigate on our claim, we have been expelled from our own.

Great Britain, said Senator McRoberts, of Illinois, has been doing for ten years just what we propose to do. Her subjects own large farms in Oregon. Our right is indisputable from forty-two to forty-nine degrees and from the Pacific to the mountains. If our right can be settled only by war, then my constituents, and, I believe, the whole country, will unite with me in saying, Let it come.

To encourage emigration to Oregon, said Senator Reynolds, of Illinois, is no violation of the treaty. The country is free and open, and the subjects and citizens of both powers may go there, and the right of American citizens to occupy the country may be confirmed by grants of land. Settlers in

Oregon cannot live in the air. They must have a place on earth. This is their right.

Senator McDuffie did not want Oregon on any terms. What do we want of the Territory, said he. What are we to do with it? If this were a question of gradual, continuous, progressive settlement; if Oregon were really to become a part of the Union, it would present a very different question. But does any man seriously suppose that a State can ever be formed at the mouth of the Columbia River? Does any man believe that any of the inhabitable parts of that Territory will ever become one of the States of the Union? I have great faith in the power of representative government. But never, even in the sanguine days of youth, have I dreamed of the possibility of embracing within the same Government people living five thousand miles apart. The worthy Senator from New Hampshire has discovered a bond more potent than representative government—steam. Steam! How are we to apply steam in this case? What is the character of the country? Why, as I understand it, the country for seven hundred miles this side of the Rocky Mountains is uninhabitable, for the soil is sandy and barren, and rain scarcely ever falls. Beyond the Rockies are three ridges of mountains, extending toward the Pacific, running nearly parallel, and totally impassable, save at certain gaps, to be reached by going hundreds of miles out of a direct course. How, then, are you going to apply steam? Have you estimated the cost of a railroad from here to the mouth of the Columbia? The wealth of the Indies would not be sufficient to pay for it.

And who will be the settlers in Oregon? Who will go along your line of military posts and take possession of the only part fit to occupy, the strip along the sea-coast, less than one hundred miles wide? The rest of the territory consists of mountains almost impassable, and of lowlands covered with stone and volcanic remains, on which no rain falls save in spring. On the coast rain is not seen from April to October, and during the rest of the year there is nothing but rain. What use is Oregon for agriculture? Why, I would not give a pinch of snuff for the whole country. I wish to God we did not own it. Do you think your honest farmers of

Pennsylvania, New York, Ohio, or Missouri will leave their farms and go on such an enterprise as this? God forbid! If I had a son whose conduct was such as to fit him for Botany Bay I would say, in the name of God, go to Oregon. This is my estimate of the importance of asserting our claims to that country.

Senator Archer also thought the country of little value. It was separated, not only from our present, but from any future settlement we could ever have by a vast tract of Indian country, chiefly desert. Then came the utterly barren and almost impassable Rocky Mountains, and beyond them the Territory proper. Long ranges of mountains, barren and cut by unnavigable streams, led to the third part, a valley on the seaboard of the Pacific, a valley fit for an Asiatic, but not an American dependency, if, indeed, it were of any value at all as a dependency. Such as was suitable for agriculture was without harbors, and never, at any time, could have a large production or any considerable trade. And this was the country the Senate was called on to aid in settling.

Has the time come, said Calhoun, when it would be wise to assert and maintain our claim to exclusive right to Oregon against the adverse claim of Great Britain? No. It has not; because, if made, it must end in failure. She has strong naval and military forces in India and China. Five thousand five hundred miles of tranquil ocean separate them from Oregon. With little expense of time and money, she could concentrate them at the mouth of the Columbia, there to join with a strong body of hardy and energetic servants of the Hudson's Bay Company, and the Indians under its control.

How could we meet this? We have no naval, no military force on the Pacific. Our fleet would have to sail around Cape Horn, and our troops cross three thousand miles of naked plains and mountains. But will Great Britain resist? We cannot doubt she has the power, and with provocation will use it. How, then, can we save Oregon? There is but one means—time. All we need to gain our end is a masterly inactivity. Since I took my seat in the other House, thirty-

two years ago, the Indian frontier has receded a thousand miles westward. When President Monroe, in 1824, proposed to colonize the Indians of New York and those north of the Ohio and east of the Mississippi, in what is now Wisconsin, he believed it so remote that our population would not reach it for many a year. Eighteen years have passed and that country is a flourishing Territory, ready to knock at our doors for admission as a State. Nay, what is still more marvellous, another Territory, Iowa, still farther west, has sprung up and outstripped Wisconsin, and may knock for entrance before Wisconsin is ready to do so. In a little while the great westward-rolling wave of population will reach the Rocky Mountains and be ready to pour into Oregon. Then shall we come into our possession without a struggle.

To the people the Oregon question now put on a very serious aspect. Failure to define the boundary by treaty, failure of Congress to protect and encourage emigration, increased the belief that nothing could save the Territory from the grasp of Great Britain but immediate settlement by American citizens. Scarcely had the President's message become known when meetings were held to denounce the treaty and discuss occupation. Our Government, it was said, had now on foot a plan to compromise with Great Britain, accept the Columbia River as a boundary, and turn over the rest of the Territory to that grasping power.*

At a great meeting in Pittsburg, called to consider the question of emigrating to Oregon, a committee was appointed to report on the country, on the best route, and on the place of settlement. The plan proposed was, that all willing to emigrate should meet at Fort Leavenworth on a certain day in the spring, that Federal troops should escort them to the chosen site, and that each settler over eighteen years of age should be given one year's provisions and a section of land.† The committee reported that it was not expedient for American citizens to go to Oregon until the Government was ready to protect them in their rights.‡ Those who wished to go, however, were informed that on April first Fitzpatrick would

* Philadelphia Ledger, January 4, 1843.

† Ibid., February 3, 1843. ‡ Ibid., February 22, 1843.

leave Independence with a party, and that White advised future emigrants to procure light, strong wagons, buy mules, and take with them nothing but cooking utensils and food for four months.*

At Logan, Ohio, a meeting of citizens considered the treaty and the wisdom of at once taking possession of Oregon, encouraging settlement and driving out the British.† After long debate it was resolved that the occupation of Oregon by the arms and subjects of Great Britain was an indignity too long and too disgracefully submitted to by the people of the United States, that Monroe's doctrine, "That the American continent is not henceforth to be considered subject to colonization by any European Power," was the true American doctrine, and that the Conventions of 1818 and 1827 ought to be abrogated.

At St. Louis a public meeting to aid the colonization of Oregon announced that in settling "this land of our bequest, the elm-tree of Penn and the olive-branch of peace shall be our motto among the savages who inhabit the Oregon country." A few years, it was said, would be enough to build up on the Pacific coast a city as fine as St. Louis. The New Orleans *Bee* asserted that, by May first, a thousand people would be gathered at Fort Leavenworth on their way to Oregon.

A meeting at Cincinnati, in April, believed that the rumored negotiation for a surrender of any part of Oregon for an equivalent in California was dangerous to peace and a repudiation of Monroe's doctrine that "the American continents are closed to European colonization"; that the Californias must not go into British hands. If lost to Mexico they should become part of "the future North American Republic on the Pacific." It was further proposed that a convention of Southern and Western States be held at Cincinnati on July third, fourth, and fifth, to urge the immediate occupation of Oregon by troops of the United States, and to adopt such measures as should lead to the people taking possession whether the Government did or did not act.‡

* Philadelphia Ledger, February 22 1843.
† Globe, January 24, 1843. ‡ Ibid., May 8, 1843.

With the call for a convention went an address to the Southern States. They were reminded that British rule in America injured the slave-holding States in two ways. Canada had become a refuge for fugitives from labor, and slaves cast on the shores of the West Indian Islands were set free. Nevertheless the South, dead to Western interests, fearful of the effect of war with Great Britain on the cotton trade, and dreading the preponderance of free over slave States if Oregon were settled, had opposed the Oregon bill. The country west of the Rocky Mountains would probably never be a permanent part of the Union. Just as soon as the people were able to keep down the Indians, they would in all likelihood organize an independent State. Such being its destiny, it would not, while a part of the Union, take either side on any question of sectional concern. Nor was it impossible that the domestic institutions of the Oregon republic should be wholly unlike those of the Southern States, however desirable it might be that slavery should have no foothold on the shores of the Pacific. To such as were against the settlement of Oregon, because it would spread the limits of our country too widely, the answer was, Oregon will become a separate republic.*

To the convention in July came ninety-six delegates from six States in the Mississippi Valley. They resolved that the right of the United States to Oregon from forty-two to fifty-four degrees and forty minutes was not to be questioned; that it was the duty of Government forthwith to spread the laws of the United States over Oregon; that emigration should be encouraged, a line of forts built from the Missouri River to the Pacific coast, and a fleet maintained on the Pacific Ocean. That part of the Monroe Doctrine which declared the American continents closed henceforth to European colonization was voted to be sound and true.†

At a meeting in western Missouri, held to organize a company to emigrate to Oregon, thirty families were enrolled

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* Globe, June 20, 1843.

† Ibid., July 14, 1843. Letters from Linn and Cass to the convention are in the Globe, July 22, 1843.

and pledged to go. A committee was then appointed to travel through all the counties of the State and enlist others to engage in the good work of colonization.*

The Democrats of Vermilion County, Illinois, met in convention in April, and resolved that the United States was the lawful owner of Oregon, from the north boundary of Mexico to the parallel of forty-nine degrees; that the behavior of Great Britain was an infringement of the law of nations and of the rights of American citizens; and that to submit to further encroachments would be "indelible disgrace." † The Illinois *Palladium* undertook to defend Great Britain and asserted that she had kept faith with the United States. Not so, was the reply. She has broken both the spirit and the letter of the treaty by widening the power of the Hudson's Bay Company. That company, a mere body of fur traders, it was said, have, indeed, put up buildings on the Columbia. But they were erected for the purpose of storing and packing furs. They have been made strong, it is true; but this was for defence against the Indians and for the safety of goods and furs. They are forts, was the answer, and were built for the purpose of attack on Americans. The *Palladium* appealed to the journals of travellers, and especially to Farnham's "Travels in the Great Western Prairies." Do they not all agree that Americans are harassed by British authorities in Oregon—that is, by the myrmidons of the Hudson's Bay Company? This is part of her system. Wherever she cannot act directly she acts through a company. She has done so in India, and is doing so in Oregon. Can anybody read Farnham and not feel his blood boil? ‡ Some say our Republic is large enough and that we do not need Oregon. Size has nothing to do with the question between us and Great Britain. If we do not need Oregon for ourselves we ought to hold it for the Republican States that will soon spring up on the Pacific coast. Not an inch of Oregon should be merged in the great British Colonial Empire. If we cannot take the new settlements into partnership we may

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* Philadelphia Public Ledger, April 27, 1843.

† Globe, May 24, 1843. ‡ Ibid., May 29, 1828.

at least cherish them till they are strong enough for self-defence.*

The result of the agitation in behalf of Oregon during the winter of 1843 was apparent in the spring, when the emigrants gathered at Elm Grove, near Independence. They came singly and in parties from Illinois, Kentucky, Tennessee, Arkansas, Missouri, and Iowa, bringing their families in canvas-covered ox-wagons inscribed, "For Oregon," and driving before them great herds of cattle. One company from the Platte Purchase, in Missouri, was led by Peter H. Burnett. Another, from St. Clair County, came under Jesse Applegate. Joseph B. Childs led a third bound to California. By the middle of May so many had arrived at the camp just across the Kansas River that a meeting was held to choose a captain and officers and adopt the usual rules and regulations.

Nominations, ballots, votes—all the machinery of elections—were dispensed with, and such as wished for the captaincy stood in a row and, at a given signal, walked in different directions. Thereupon the whole company broke and scampered off, each man hurrying after his favorite for leader. The candidates, with their followers in single file behind them, were then made to run over the prairie that the judges might decide "who had the longest tail." In such wise it was determined that Peter H. Burnett should be captain.† A council of nine was then chosen in the same manner and rules adopted, and a mountain man hired for one dollar a head per emigrant to guide the party to Fort Hall.

For a few days all went well, but an attempt to enforce the rule that no family should drive more than three head of loose cattle, and the refusal of such as had no cattle to stand guard over the herds at night, bred a serious quarrel. Burnett, unable to maintain peace, resigned. The committee of nine thereupon ordered the election of four orderly sergeants, four captains, and a colonel. William Martin was chosen

* New York Evening Post. Globe, June 14, 1843.

† New Orleans Picayune. Philadelphia Ledger, December 5, 1843.

colonel, and the cattle party, with some fifty wagons, left the company,* elected Jesse Applegate captain and fell back to the rear. In this manner the emigrants split into two factions, one called the "cow column" and the other the "light column," marching within supporting distance of each other,† pushed on to Independence Rock, on which was recorded the fact that "the Oregon Company arrived July twenty-sixth, 1843." ‡ Early in August the Sweetwater country was reached, and from there Burnett wrote that the most serious danger encountered arose from the grumbling and quarrelling of members of the company which, by that time, had split into four parties.§

When Fort Hall was reached the emigrants were urged to leave their wagons and pack, on the backs of the animals, such property as they could carry. But the men were determined to take all their herds and wagons to the Columbia, and, guided by Whitman and some Indians, they pushed on to Grand Rond Valley. Bad news called Whitman to Lapwai, and a Cayuse chief guided the company to Waiilatpu. Thence they went on to Walla Walla, whence some made their way by land and others by canoes to The Dalles, where the emigrant road to Oregon ended. At The Dalles some left their cattle and wagons; others felled trees, made rafts, and lashing their goods securely, floated down the river to the Cascades, and after great suffering from cold and hunger, reached the Willamette and dispersed over the valley.

* Letter, dated June 10, 1843, in the Burlington, Iowa, Gazette, written by Mr. Field of the New Orleans Picayune. Philadelphia Ledger, August 16, 1843. A Day with the Cow Column, Overland Magazine, vol. i, p. 127.

† New Orleans Picayune. Philadelphia Ledger, December 5, 1843.

‡ A census taken at the Big Blue showed that there were 121 wagons, 698 oxen, 296 horses, 973 loose cattle, and 1,000 men, women, and children. Under 16 years there were 298 males and 312 females. Over 16 years 260 males and 130 females. Niles's Register, July 29, 1843. See also July 22, 1843.

§ Burnett's letter dated Sweetwater, August 5, 1843, in the Platte Eagle. Philadelphia Ledger, December 30, 1843. National Intelligencer, January 2, 1844. A letter in the Iowa Gazette, July 8, 1844, stated that "Dr. Whitman from Walla Walla, who is in our party, advises that the company divide into three or four parties for speed and convenience." The Western Expositor, October 21, 1843, states that the company had "divided into three or four smaller parties for greater convenience in travelling."

As the emigrants pushed slowly across the plains to take possession of the coveted land, their progress was followed with deepest interest, for the work they were to do appealed strongly to national pride. Letters sent East by members of the party were printed in newspaper after newspaper, and became the occasion of new defiance of Great Britain. Oregon, said one journal, is about to be settled and occupied by American citizens. Should England interpose to prevent it, there is not a man in the land, no, not one, who would shrink from the encounter. This heritage from our forefathers may, by the overwhelming force of an invading power, be wrenched from us; but it shall not be torn asunder. We may lose all; but shall never lose a part, and this is the spirit of every man who boasts of being an American.*

General Cornelius Guilliam, of Platte County, Missouri, advertised that he would lead a party to Oregon in the spring of 1844, and invited all who would go to meet him on the right bank of the Missouri, opposite Owens Landing, five miles from Leavenworth, on the first Monday in May.† At Philadelphia, Peter A. Browne gave eight lectures on Oregon,‡ and at the close of one of them his hearers resolved,§ that we had a clear title to Oregon; that Congress was in duty bound to protect settlers; that all foreigners having lands in Oregon and claiming the protection of foreign laws were trespassers; that the people should be urged to instruct their Congressman and that a Committee of Correspondence should be appointed.

We admit no adverse claim, said the Philadelphia *Ledger*, we will not argue about the right of ownership. The territory is ours and will be defended. The national voice will now proclaim that Congress must take possession, organize a territorial government, and treat the claims of Great Britain to Oregon as we would a claim to Massachusetts, Pennsylvania, or Louisiana. Think of this territory, said a Virginia newspaper,‖ made over to us by Spain, yet suffered

* Philadelphia Ledger, July 25, 1843. † Ibid., September 12 and 30, 1843.
‡ Ibid., September 28, October 2, 18, 23, 30, November 6, 7, 15, 1843.
§ Ibid., September 29, 1843.
‖ Lexington Gazette. Ledger, December 7, 1843.

to be snatched from us by British invaders, its trade engrossed by a British corporation, and British forts built on American ground! How long would Great Britain suffer such things to be done to her? Men of all parties, said the New York *Sun,* are united in favor of taking possession of Oregon. But one sentiment prevails—justice and protection to Oregon. The Rochester *Democrat* was of the same opinion. Let us, said the London *Times,* send a fleet of heavy-armed and well-manned steamboats to protect our rights in the fertile and valuable valley of the Columbia River.

That Congress would surely do something for Oregon was now fully expected. But another session passed away with nothing done. Tyler in his message said never a word about the repeated offers of Great Britain to negotiate, but declared that our Minister had, under instructions, again brought the Oregon question to the attention of that Government. This was but part of the truth. During the summer of 1843, Aberdeen had offered to negotiate either with Everett at London, or through Fox, with Upshur, at Washington.* Upshur chose Washington; † but at the same time bade Everett offer the line of forty-nine degrees and "any other terms of compromise" that seemed likely to settle the question.‡ Ignoring this last offer of any terms of compromise, the President assured Congress that while "nothing will be done to compromise the rights or honor of the United States," every proper expedient would be used to bring the negotiation to a happy ending. Meantime, as many of our citizens were in Oregon, or on their way thither, he urged that military posts be established to protect emigrants against the Indians; and that our laws, changed to suit conditions, should "follow them." New republics, he believed, would spring up on the shores of the Pacific at no distant day "similar in policy and feeling to those existing on this side of the Rocky Mountains," a statement which might mean that he did not believe Oregon would become a permanent part of the Union.

Linn was now dead; but the work he had long striven to

* Aberdeen to Fox, August 18, 1843.

† Fox to Aberdeen, September 12, 1843.

‡ Upshur to Everett, October 9, 1843.

do for Oregon was promptly taken up by David R. Atchison, appointed by the Governor of Missouri to fill his unexpired term, and another Oregon bill was introduced. By it Oregon was declared to extend from forty-two to fifty-four degrees and forty minutes, and the President was required to have five stockade, or block-house, forts built between the Missouri River and the best pass into "the valley of the Oregon," to cause fortifications to be erected at the mouth of the Columbia, and to grant six hundred and forty acres of land to each white settler who should cultivate them for five consecutive years. If a married man he was to have, in addition, one hundred and sixty acres for his wife, and a like tract for each child under eighteen.

This bill to authorize the occupation and encourage the settlement of Oregon, Atchison followed up with another to establish a territorial government, and Senator Semple with a resolution requesting the President to give the one-year notice necessary to end joint occupation under the Convention of 1827. Strong opposition was made to both propositions. To that of Atchison, because the year's notice had not been given; to that of Semple, because such notice would embarrass the negotiation. In the end the resolution of Semple was rejected, the bill to authorize occupation did not pass, and that to establish government was not reported by the select committee.

When, in the face of public opinion, the Senate thus rejected the resolution to end joint occupation, the disappointment of the friends of Oregon was bitter. As the territory, said the Albany *Argus*, belongs to us, each year of joint occupation involves us in more and more difficulty and embarrassment. Great Britain has not the shadow of a right to the Columbia River. Yet our tameness may, in time, lead her grasping rulers to put up a claim founded on joint occupation. She is now enforcing her laws, building forts, planting garrisons, and drawing the Indians within the circle of British influence. And this insolent course is pursued on territory clearly within the United States. The latest account from Washington, said a British journal, informs us that Mr. Tyler has advanced his pretensions, and now demands

the whole territory not merely up to forty-nine, but even to fifty-one degrees. This embraces a part of Oregon, long held by us in undisputed possession. It is, however, but a Yankee trick on old pedler principles that the more you ask the more you can give up with good grace. The Americans have no right to make settlements in Oregon without leave of England, nor set up any form of government, nor grant lands, nor will they be permitted to do so.

The negotiation which stopped all action on Oregon, and from which so much was expected by Congress, began soon after the arrival of Mr. Pakenham, the new Minister from Great Britain. Late in February, 1844, he asked Mr. Upshur to name a time when it would be agreeable to take up the discussion. Upshur named the twenty-seventh of February,* but the next day lost his life on board the *Princeton,* and no more was heard of the matter till Calhoun had been some months in office.

The *Princeton*, the newest and finest type of steam warship then in our navy, had just arrived from New York in command of Captain Stockton. She was driven by a screw propeller, and had in her armament two guns of great calibre which had been named the Peacemaker and the Oregon. By invitation of Captain Stockton, the President, the Secretaries of State and of the Navy, several Senators, and a party of ladies and gentlemen, boarded the *Princeton* on February twenty-eighth for a pleasure trip down the Potomac. On the way down, for the amusement of the guests, the great bow gun, Peacemaker, throwing a two-hundred-and-twenty-five-pound shell, had been fired twice. On the way back, after luncheon had been served and while most of the party was still at table, a few gathered on the deck and asked that the Peacemaker be again fired. Stockton gave the order, and on the second discharge the gun burst. When the smoke cleared away, Upshur, Secretary of State; Gilmer, Secretary of the Navy, Commander Kennon, and several guests lay dead on the deck. Benton and Stockton were stunned and seventeen sailors wounded.

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* Executive Documents, 29th Congress, 1st Session, No. 2, p. 141.

After Calhoun became Secretary of State, Pakenham offered the line of forty-nine from the mountains to the northeasternmost branch of the Columbia, and down it and the Columbia to the Pacific; the free navigation of the river, a large piece of territory at the entrance to the Strait of Juan de Fuca, and any port or ports the United States might desire on the main land or on Vancouver Island, south of forty-nine degrees. Calhoun demanded the valley of the Columbia and declined the offer of Great Britain. Aberdeen then instructed Pakenham to offer arbitration; but the tender was not made till after he read the annual message to Congress. It was then too late. Calhoun would not arbitrate. The President, he said, believed that the question could be settled by negotiation, and so the matter stood when Polk was inaugurated.

Our countrymen had by this time once more entered an era of expansion. The movement toward Oregon was but part of a general movement which had already spread toward Texas. After the withdrawal of her offer of annexation, but little interest was taken in the affairs of that republic till the spring of 1842, when the attempt of President Lamar to extend her jurisdiction to the Rio Grande brought the enemy over her border. Her boundary, as defined by an act of the Texan Congress in 1836, was "the Rio Grande River, from mouth to source, and on the north line to the forty-second parallel." But never at any time had the jurisdiction of Texas been spread so far to the west. That part of New Mexico which lay to the east of the Rio Grande was as much under Mexican rule in 1841 as on the day when the first American emigrant set foot in Texas. At Santa Fé the legislature met and adjourned, the Governor and the ruling families lived as quietly, and the people went about their affairs as unconcerned as if the little republic to the eastward had never been founded. To this city each year came caravans and wagons from Independence, bringing merchandise, and taking back gold and silver. Could this rich trade be diverted from the United States to Texas it would go far to relieve the financial distress of that republic, then bordering on bankruptcy. But to divert it, New Mexico

must come under the sway of Texas, and trade relations of the closest sort must be established with Santa Fé.

Convinced that both could easily be accomplished, Lamar urged the Texan Congress to authorize an expedition against Santa Fé, and when it would not do so, organized one on his own authority. The Secretary of War was commanded to issue arms, a brass cannon was procured and stamped with the name of Lamar, a proclamation inviting the New Mexicans to become citizens of Texas was prepared, three commissioners were appointed to treat with the people of New Mexico, and two hundred and seventy volunteers were enlisted to protect the party against the Indians.

Late in June, 1841, Lamar bade farewell to his expedition at the gathering ground, some twenty miles from Austin, and under the command of General McLeod it marched northwestward. With the expedition went three citizens of the United States: Franklin Combs, of Kentucky, and John T. Howard, of Maryland, both lads under twenty; and George W. Kendall, editor of the New Orleans *Picayune,* all in search of adventure, and a British subject named Falconer. During ten weeks the procession of teamsters, merchants, and volunteers wandered over the prairie, beset by Indians, often suffering the pangs of hunger and thirst, till it came to a place supposed to be not more than ninety miles from San Miguel. There the main body under General McLeod stopped, while some ninety armed men with the commissioners were sent forward to find the settlements, get food, and discover the feeling of the people toward the Texans. Supposing the distance to San Miguel to be a three-days' journey at most, but three days' provisions were taken. When these were eaten, and no settlements were in sight, the party was forced to live on berries, snakes, lizards, prairie dogs, and the flesh of broken-down horses, before it reached the Rio Gallinas, and fell in with Mexican shepherds tending a great flock of sheep.

The advance party now stopped to rest, while five of the number hurried on to San Miguel. The first night was passed at the little hamlet of Anton Chico, near the Rio Pecos, a short distance beyond which the next morning they

were captured, disarmed, and sent prisoners to San Miguel. Meantime the rest of the advance party moved from the Rio Gallinas to Anton Chico, where they, too, fell into the hands of the Mexicans, and were sent on at once to the City of Mexico. The main body, under McLeod, was soon forced to surrender at Red Lake, and was taken to San Miguel, and then to Mexico, where, chained to logs, the Texans were put to work on the streets and public highways.

Toward the end of the year rumors of the fate of the expedition began to reach the United States. A party of Americans, which came to Independence, told of the capture of the Texans; our Consul, who had been driven from Santa Fé, reported what he knew to Webster in a letter from Independence; Powhatan Ellis wrote to the Secretary of State from Mexico, and the father of young Combs presented the case of his son so forcibly at Washington that a special messenger was hurried to New Orleans, with orders to go by revenue cutter to some port in Mexico, and hasten with instructions to Ellis to demand the release of Combs and Howard. The legislatures of Louisiana, Kentucky, and Maryland called on the President to secure the liberation of their citizens and denounced the shocking treatment of them while on the march to Mexico; the foreign ministers in Mexico interceded in their behalf, and in June such as were still prisoners were set free by Santa Anna on his birthday as an act of grace.

While the excitement caused by these events was still at its height, news of a more alarming kind came from Texas. Mexico had again made war on her and small bodies of troops had crossed the Rio Grande. One band took the northern route, raided San Antonio, drove out the few gathered to defend the town, raised the flag of Mexico over the Cathedral, plundered the citizens, and made off with its booty. Another force took the southern route and raided Goliad, and a third occupied Refugio. Houston called the people to arms, and in ten days' time several thousand men were camped around San Antonio, or were on the way thither. Wherever the invasion was known the people were aflame. At Galveston the women moulded bullets and made cartridges.

At a public meeting in that city, when it was decided to collect money to fit out vessels to cut off the enemies' transports, the sum needed was raised on the spot. Some gave money, some houses, others lots, horses, cows, negroes, wood, guns, or head rights, which were put up at auction by the chairman was sold.* Houston notified the Texan Consul at New Orleans that if Americans wished to volunteer he should see to it that they came with rifles or muskets, cartouch-boxes, and powder-horns, one hundred rounds of ammunition each, and clothes for six months; that they came in companies of not less than fifty-six, and were landed west of the Brazos with eight days' food.† The people of Galveston appointed commissioners to go up the Mississippi Valley and appeal to the people for aid.

Meetings in behalf of Texas were speedily held in all the Southern cities and were most enthusiastic. In Mobile one thousand dollars were collected in ten days and one hundred men volunteered to "emigrate." Augusta gave a thousand dollars. Two hundred emigrants left New Orleans. An address of the Texan agents published at Louisville announced that the Texans intended to visit Mexico in the fall, and that then all who were in Texas would have an opportunity to take part in the conquest of that "pays d'or, where the golden chandelier, images, and furniture of one church are estimated to be worth five million dollars." ‡ A speaker at the Philadelphia meeting said: "Emigrate to Texas! It abounds in game of all kinds. You will find plenty of employment for as many rifles and muskets as you can get there. You will no doubt go farther. There are many richly endowed institutions in Mexico that sadly need professors. Go, then, to Mexico, and teach the young idea how to shoot." § The meeting voted the invasion of Texas was an "unwarranted aggression" by Mexico, promised Texas all lawful aid, and appointed a committee to raise money to encourage emigration.‖ Like meetings were held in New Orleans, Savannah, New York, and Cincinnati, where, as soon as it

* Globe, March 24, 1842. New Orleans Picayune, March 16, 1842.
† Globe, March 29, 1842. ‡ Anti-Slavery Standard, April 21, 1842.
§ Ibid., May 5, 1842. ‖ Public Ledger, April 4, 1842.

was known that the invasion was a mere raid, and that the Mexicans had quickly recrossed the Rio Grande, the committee suspended its labors and gave back to the donors their money.*

That Mexico should be heedless of all these things, that she should see arms, money, ammunition, and men furnished to Texas and make no complaint was not to be expected. Webster, therefore, could not have been surprised when, under date of May thirty-first, he received from Bocanegra, the Mexican Minister of Foreign Relations, a vigorous protest in no uncertain language. He noted the "allowance of noisy political meetings at various places," the "preparation of armaments, the embarkation of large numbers of volunteers," and the desire "as far as convenient and practicable, to aid the Texans and promote the invasion of a neighboring and friendly republic."

Such conduct Mexico could not understand. Sincerely did she wish that the friendly relations so happily existing between her and the United States might suffer no change. But she must state, "in the most formal manner," that if these things were allowed to go on, she would look upon them as acts of hostility against her and would regulate her conduct "as justice, her own interests, and the national dignity may demand."

The letter was at once published in the *Diario del Gobierno,* and other Mexican newspapers, together with a circular to the Mexican diplomatic and consular agents in Europe and America, which they were commanded to spread far and wide.

One of the newspapers which published these documents was *El Cosmopolita,* a copy of which in time came into the hands of the American Consul at Mazatlan. By him it was forwarded to Commodore Thomas Ap. Catesby Jones, com-

* It was stated that during the excitement over the raid New Orleans contributed $14,000 and 1,000 emigrants; Mobile contributed $14,000 and 500 emigrants; Tuscaloosa contributed $4,000 and 100 emigrants; Natchez contributed $6,000, and 225 emigrants; Columbia, Georgia, contributed $3,000 and 75 emigrants; Augusta, Georgia, contributed $885. — Philadelphia Public Ledger, June 14, 1842.

manding our squadron in the Pacific. From the tone of Bocanegra's letter the Consul believed the American Minister would be recalled the moment it reached Washington, and thought it highly probable there would be war.*

Late in August, while the Consul's letter was still on its way, Jones was at Callao, where, on the twenty-seventh of the month Admiral Richard Thomas, of the British Navy, arrived in the flagship *Dublin.* After the usual exchange of courtesies Commodore Jones and his officers were invited to dine with Admiral Thomas on the following Friday. Meantime the British Consul at Lima died, and at the funeral Jones fell in with some members of the diplomatic corps and learned that the *Dublin* would sail at once on service profoundly secret.

The dinner over, Commodore Jones invited the Admiral to dine on board the *United States* on a certain day of the following week. But on Saturday the steamer arrived with the mail from Valparaiso, and that night the *Dublin* put to sea. And now it was that Jones received the letter from our Consul at Mazatlan. The moment he read it the reason for the sudden departure of the *Dublin* became clear. The British Admiral was on his way to take possession of California.

Hurrying to Lima, Jones laid the letter before the American Consul, and in forty-eight hours the *United States,* the *Cyane,* and the *Dale* were on their way to California. No sooner was the little squadron well at sea than Jones assembled the three commanding officers of the ships in his cabin, laid before them the copy of *El Cosmopolita,* and of a Boston newspaper containing the assertion of the New Orleans *Advertiser,* that Mexico had ceded California to Great Britain for seven millions of dollars, and declared that it was this cession which had sent the whole British fleet from the coast of Chili and Peru under sealed orders. Undoubtedly it was on its way to Panama, where it would be reinforced by troops from the West Indies on their way to California. What, he asked, should be done to preserve the honor of our coun-

* John Parrott to Commodore Jones, June 22, 1842, Executive Documents, No. 166, 27th Congress, 3d Session.

try thus suddenly put in jeopardy? Did the rumor of war and the reported cession of California justify the withdrawal of our naval force on the coast of Chili and Peru that it might be sent to California? Yes, without doubt, was the answer of the three commanders. Would it be proper to forestall Great Britain in her proposed occupation of California? was the next question. If the United States and Mexico are at war, said the officers, it becomes our bounden duty to occupy every port in California. If the two countries are at peace and the Monroe Doctrine is not a thing of the past, the occupation of California by any European power, but above all by our great commercial rival, England, not only justifies, but makes it a duty to forestall the design of Admiral Thomas, and plant the American flag at Monterey, San Francisco, and at any other tenable point in the ceded territory. It was therefore decided that the *United States* and *Cyane* should go at once to the California coast, and the *Dale* to Panama, to obtain the latest possible information from the United States, and to find out the real object of the sudden departure of Admiral Thomas from the port at Callao.*

The voyage northward was uneventful till the afternoon of October nineteenth, when the two ships dropped anchor as near the dilapidated fortress of Monterey as the depth of water permitted. Springs were put on the cables and everything made ready for attack or defence. It was expected that some American or neutral resident would come on board. At last a boat, under Mexican colors, put off from shore and two officers came on deck; but nothing could be obtained from them, save that they knew of no war between Mexico and the United States.

The mate of an American ship, recently from the Sandwich Islands, and riding at anchor near the *United States,* had some news. Ere he left the Islands he heard that Mexico and the United States were at war, and that England was to take possession of Upper California and guarantee Lower California to Mexico. By this time the guns on the

* Executive Document, 166, 27th Congress, 3d Session, vol. v, pp. 84–86.

fortress were being manned, horsemen were collecting, messengers were running to and fro, and the time for action had plainly arrived. "Another day might bring Admiral Thomas, with a superior force, to take possession in the name of his sovereign."

Captain Armstrong was therefore at once sent on shore to demand the surrender of California to the forces of the United States. The Governor of Monterey consented to give up the city, the terms were accepted, and at eleven o'clock the next morning the flag of the United States was flying over the fortress.

On the twenty-first of October, Jones went on shore and was shown Mexican newspapers dated August fourth and private letters written on August twenty-second. Not one of them contained any allusion to war. Indeed, the Mexican papers contradicted the rumor of cession, and even quoted the Monroe Doctrine to show that no such bargain could be made. Clearly there was some mistake, and after a short debate with his officers, Jones surrendered Monterey with all the ceremony "due on such occasions." *

Webster, on behalf of the Government, disavowed the whole proceeding, assured Mexico that Jones had not acted under orders, expressed "a feeling of deep regret" for what had occurred, and tendered damages for any injury caused by the capture. Jones was recalled; but Mexico insisted on his "exemplary punishment," and Adams, on the last night of the session, moved a suspension of the rules that he might offer a resolution in the form of a report from the Committee on Foreign Relations. The invasion of the territory of a foreign nation, at peace with the United States, by a naval officer of the United States, was declared to be an aggravated offence against that nation, against the peace of the world, and against the Constitution and people of the United States, for the signal punishment of which further provision ought to be made by law. The House, however, would not suspend the rules.

Beaten in this attack on the Administration, Adams and

* Executive Document, 166, 27th Congress, 3d Session, vol. v, pp. 69–73.

his friends made another, and as soon as the session ended an address to the people of the free States, signed by Adams and a dozen other members of Congress, appeared in the *National Intelligencer*.

They were convinced, the signers said, that a portion of the people of the United States, deeply interested in the continuance of slavery and the slave-trade, was bent on annexing Texas; that this purpose had long been entertained, was still firmly clung to, and was soon to be accomplished; and that by the acquisition of more slave territory and the admission into the Union of new slave States the undue ascendency of the slave-holding power in the Government would be secured and made everlasting.

That the plan was of long standing and had never been abandoned was proved, it was held, by the history of Texas from first to last. It was to make her slave soil, annex her to the United States, and carve out of her several slave States, that the province was settled by citizens of the United States, trouble fomented with Mexico, a revolt stirred up, and an independent government established. That the scheme had never been abandoned was proved by the unlawful aid given by citizens of the United States, by the open and repeated enlistment of troops, by the entire neglect of our Government to stop the march, into the territory of a friendly power, of bodies of men enlisted, organized, and officered in our country; by the hasty recognition of the independence of Texas by a snap vote at the end of a session of Congress; by the resolutions of many of our States; by declarations of members of Congress; by the tone of the Southern press; and by the application of Texas for annexation.

That this plan was still adhered to was proved by the fact that the late election of President in Texas turned on the question of annexation or no annexation, and that the annexationists won; by the fact that Alabama, Mississippi, and Tennessee had each recently adopted resolutions in favor of annexation, and had sent them to Congress; and by the fact that in a speech delivered in the House of Representatives in 1842, Mr. Wise declared that if the South were forced to

stop at the Sabine, while the North spread unchecked beyond the Rocky Mountains, "the Southern scale must kick the beam"; that "unless by a treaty with Mexico the South can add more weight to her end of the lever," the equilibrium of the country is gone, "the balance of interests is gone, and the safeguard of American property, of the American Constitution, of the American Union vanished into thin air." Nay, more, in another speech, delivered during the same session, Mr. Wise had said that it was the duty of the Government to demand that Mexico should keep her hands off Texas. "Shall we," said he, "sit still here while the standard of insurrection is raised on our borders, and let a horde of slaves and Indians and Mexicans roll up to the boundary line of Arkansas and Louisiana? No. It is our duty to say at once to Mexico, if you strike Texas, you strike us. And if England, standing by, should dare to intermeddle, and ask, Do you take part with Texas? the prompt answer should be, Yes, and against you."

Later still, in January of the present year, the address continued, Mr. Gilmer, a member of Congress, one of "the guard" and familiar with the councils of the Cabinet, in a letter which found its way into the newspapers, gave it as his deliberate opinion that Texas would be annexed to the Union.

During the session just closed the resolution of Alabama in favor of annexation, and sundry petitions against it, were referred to the Committee on Foreign Relations. The committee refused to report on them and requested to be discharged from further consideration. Mr. Adams, however, as an individual, asked leave to present two resolutions. They declared, in the first place, that neither Congress nor any department of the Government had constitutional power to annex to the United States a foreign State or its people. They declared, in the second place, that any attempt to annex Texas by treaty or by act of Congress would be a violation of the Constitution, would be null and void, and an act to which the people of the free States ought not to submit; but the House would not receive the resolutions. To prevent the success of this "nefarious project," the people of the

free States were urged by the addressors to join in an immediate expression of opinion.*

That Tyler longed for Texas was strictly true. Before he had been eight months in the White House he consulted Webster on the possibility of securing her by treaty. In March of 1842, when the Texan agent renewed the offer of annexation, Tyler would gladly have accepted. Nothing but the firm opposition of Webster and the certainty that the Senate would not consent, made him decline. The crushing defeat of the Whigs in the Congressional elections of 1842 gave him new hope, and early in 1843 that little band of personal friends, which Clay dubbed "the corporal's guard," went seriously to work to build up a public demand for Texas.

Annexation was not then a political issue. Repeal of the bankruptcy act; bank, or no bank; a better currency; distribution of the sales of the public lands; the tariff, were the topics before the people. To make annexation an issue it seems to have been arranged that Duff Green should write to Thomas W. Gilmer, a member of Congress from Virginia, a close friend of Tyler, and one of the corporal's guard, and ask if it was true that he was in favor of the immediate annexation of Texas.

A copy of the letter, as it appeared in print, was cut from the newspaper and sent to Jackson by Aaron P. Brown, also a member of Congress from Virginia. The three points raised by Gilmer—interference by Great Britain, the possibility of a rising of the slaves, and the danger of a foreign boundary so near the mouth of the Mississippi—appealed strongly to Jackson, and he answered promptly.

He did not hesitate to say that the welfare of the United States required the annexation of Texas. Great Britain might enter into an alliance with her, and using the Northeastern boundary dispute as a pretence, make war on us when she saw fit. Preparatory to such a move she might send twenty or thirty thousand troops into Texas without our knowledge, gather them on the Sabine, make a lodgment

* Niles's Register, May 13, 1843, pp. 173–175.

on the Mississippi, rouse the negroes to insurrection, and seize the lower country and New Orleans. A servile war would then rage in the South and West. Meantime another British army could move along the Western frontier from Canada and, operating with the army in Texas, spread ruin and havoc from the lakes to the Gulf of Mexico. If Texas were annexed, the Rio Grande would be our Western boundary, and the wide, barren, uninhabitable plains of Texas would be in themselves a fortification for the Southwest. With such a barrier we would be invincible against all Europe.*

The old friend of Van Buren having thus put himself on record as in favor of annexation, the letter was carefully preserved for future use. And now help came from a most unexpected quarter. A little band of abolitionists in Texas had started an agitation on behalf of emancipation with compensation, and were appealing to all classes of persons likely to be affected. Great landholders and land speculators were told that if they would stop the trade in slaves and enact emancipation laws, a large emigration would set in from the free States, from Europe and from England; that lands would rise in value, and that this increase in value would more than repay the loss entailed by emancipation. Slaveholders were told that if they would sell their slaves the Constitution would be so amended as to abolish slavery, and the British Abolition Society was asked to furnish the money to buy and free the slaves. Many leading men, it was said, had approved the scheme. The British Minister, an abolitionist in Galveston wrote, believed that such action would secure not only the warm support of his government, but the money with which to accomplish emancipation. The Brazos region had been visited and the slave-holders found willing to part with their negroes. Several gentlemen from Houston had come to Galveston to address the people of that city on the subject, and in fifty days a convention would in all likelihood assemble.† When one of the gentlemen from Hous-

* Jackson to A. V. Brown, February 12, 1843. Niles's Register, March 23, 1844, p. 70.

† Niles's Register, July 8, 1843.

ton called a meeting at the Custom-House, he was visited by some twenty citizens, forbidden to speak on abolition, told that his bill was paid, his passage to the main-land taken, and that he had better go at once, and went.*

Some Texan newspapers denounced the scheme. But the tone of the Administration press led to the belief that President Houston favored it. The *Civilian,* an Administration paper, after pointing out that Great Britain had ended the Buenos Ayres blockade and stopped the Montevidean war on condition that these States should abolish slavery, suggested that the war between Texas and Mexico offered a like field for British interference. But will the Texans, a New Orleans newspaper asked, listen to such a proposal dictated by jealousy of the country from which most of them went, and which had aided them in their struggle for independence? †

The suggestion of British interference was at once taken up by the Southern press and the party journals in the North. Of all the follies, not to say crimes, of our present wretched Administration, the *Tropic* declared, there is not one which stands forth in such ugly relief as that against Southern interests in our treatment of Texas. Peopled by the adventurous sons of our own land, this little republic, after a brief struggle, reared its head in independence and, moved by sympathy for the institutions amid which they were born, its people sought union with us. How were their offers met? With chilling reserve; with cruel indifference. But England, our most dangerous rival, quickly responded to the call of Texas for aid and has now an overwhelming influence in every part of the republic. The attitude of Texas toward us has grown positively hostile. Her public journals, under British influence, look on slavery with indifference or, if giving an opinion, lean toward abolition. Texas, in despair of ever entering the Union, seems ready to deliver herself, bound hand and foot, to Great Britain. There is, however, one bond left which binds Southern men to Texas. She is still a slave-holding republic.‡

* Niles's Register, June 10, 1843.

† New Orleans Bee, April 22, 1843; Niles's Register, May 13, 1843, p. 175.

‡ New Orleans Tropic.

There is no doubt, said a Northern newspaper, that the cotton-growing States are anxious to join Texas to the Union, but not from any wish to extend the slave-holding area. Fear that she may fall into the hands of Great Britain, desire to prevent foreign competition in cotton growing, the nearness of Texas to the Southern States, business intercourse, and the fact that the people of Texas went from the United States, where they still have friends and relations—these are the reasons why the South favors annexation.*

Recent intelligence, the *Baltimore American* held, leaves no doubt that Great Britain is actively meddling in affairs in Texas. Her purpose is to make it a free State, and this is openly discussed in the Texas newspapers. We regret, remarked the *Globe*, the advantage we lost by refusing to cultivate friendly relations with Texas. She has been driven by our chilling reserve into the embrace of England. For this folly, this crime, the abolitionists and the whole Whig party must answer.†

That there is a secret understanding between Texas and Great Britain, the *Ledger* was convinced, seems certain. If not, then why the early recognition of her independence, why the late active interposition in her behalf?

Great Britain is the great champion of abolition, yet she is the first and only power on earth to embark in the cause of Texas. She aids the republic with loans, encourages it with recognition, and now uses her vast influence to secure its independence. Does England so love an American slave-holding country that she does all this without a motive? No. She is jealous of the growing power of the United States. On the north of us she clings to a profitless colony, because it watches our borders and checks our advance. On the east she trusts to her navy and cherishes the Bahamas as a point of attack. On the south she now seeks a vantage ground in Texas. Thus would she girdle the Union. England pays a hundred million dollars in tribute to our cotton. Vainly has she striven to escape this dependence on us by growing cotton in Egypt and India; but until she has a rival

* Globe, May 24, 1843. † Ibid., May 22, 1843.

cotton-growing country, she is in our power. This rival she seeks to raise up in Texas, and this is the secret of her activity in behalf of the Lone Star Republic.*

So far the cry of British influence was but newspaper clamor. But, as the summer wore away, evidence which seemed very conclusive to Tyler came over from London. The gentleman from Houston who was not allowed to speak in Galveston was Stephen Pearl Andrews, a lawyer in good practice, a man of some means, and still remembered as an abolition agitator and one of the founders of modern phonography. After his adventure in Galveston Andrews set off for London to attend the second triennial World's Convention of Abolitionists, and on his way stopped at Washington and had an interview with John Quincy Adams.† At London he persuaded the Texan Chargé to secure for him an informal interview with Mr. Addington,‡ to whom he disclosed his plan of abolition with British help. What was said at the interview was probably reported by Ashbel Green, the Texan Chargé, to Duff Green, who at once wrote to Upshur and later to Calhoun.§ Andrews, as Green declared, had been sent by the Texan abolitionists to negotiate with the British Government, had seen Lord Aberdeen, and had proposed that a company be formed to advance enough money to buy the slaves in Texas and receive in return Texan lands. The Texan Chargé, Green further said, had authorized him to say that Lord Aberdeen had agreed that the British Government would guarantee the interest on the loan provided Texas would abolish slavery.‖

Alarmed by this information, Tyler decided to act at

* Philadelphia Ledger, July 24, 1843.

† Memoirs of John Quincy Adams, vol. ii.

‡ Letters to John C. Calhoun. Report of American Historical Association, 1899, vol. ii, pp. 866–868.

§ Duff Green to Calhoun, August 2, 1843. Report of American Historical Association, 1899, vol. ii. The date there given, 1842, is a mistake, as the letter refers to the nomination of Van Buren by Maine in 1843 and New Hampshire in July, 1843, and to the visit of Andrews, who went to London in 1843. It was answered by Calhoun, September 8, 1843. Ibid., pp. 545–547.

‖ Upshur to Murphy, August 8, 1843. Executive Document 271, 28th Congress, 1st Session, vol. vi, p.18.

once. Such a movement on the part of Great Britain, Upshur wrote Murphy, could not be contemplated in silence nor suffered to succeed without the most strenuous efforts to arrest a calamity so serious to every part of our country. Few evils that could befall us were more to be deplored than the abolition of slavery and the establishment of British influence in Texas. He should, therefore, give the matter vigilant care.*

Mr. Everett, American Minister in London, was next informed of the designs of Great Britain—designs which extended, Upshur believed, not only to the ruin of slavery in Texas, but in the United States. Mr. Everett was to find out if England was or was not seeking to procure the abolition of slavery in Texas, whether she did or did not intend to strive for the overthrow of slavery in the United States, and what measures she had taken, or was taking, to gain either or both these ends, and was to question Lord Aberdeen on all these matters.†

Upshur turned next to Mr. Van Zandt, the Texan Chargé in Washington, and offered to make a treaty of annexation.‡ While the Secretary was waiting to hear from Texas news came from London. Lord Aberdeen had assured Mr. Everett that the report that England had made, or intended to make, the abolition of slavery the condition of any treaty arrangement with Texas was wholly without foundation. A deputation of abolitionists, a committee from the antislavery convention in London, had waited on him and had sought to engage the British Government to effect the abolition of slavery in Texas. But no countenance whatever had been given the plan.§

Mexico meantime had become alarmed, partly by the attempts of the newspapers to raise a cry for immediate annexation, and partly by the address of the members of Con-

* Upshur to Murphy, August 8, 1843. Executive Document 271, Executive Documents, 28th Congress, 1st Session, vol. vi, pp. 18–22.

† Executive Document 271, 28th Congress, 1st Session, vol. vi, pp. 26–37. September 28, 1843.

‡ Ibid., p. 37, October 16, 1843.

§ Ibid., pp. 38–40, November 3, 1843.

gress to the free States. As her rulers read these papers they became incensed, and in August the Mexican Minister of Foreign Affairs addressed our Minister to Mexico. Mr. Waddy Thompson was informed that the Mexican Government was satisfied, from evidence published in American newspapers, that at the coming session of Congress an attempt would be made to annex Texas to the United States. Should such an act of incorporation be passed, it would be considered, he said, "equivalent to a declaration of war against the Mexican Republic, "but he hoped the Washington Government would ward off the consequences of a rupture, and "thus save the glorious Republic, which Washington founded, from stain and dishonor." Thompson replied * that the threat of war made explanation impossible. If intended for intimidation it would have no effect; if intended as a warning it was unnecessary; for his country was always in condition to meet an emergency. He was astonished that Bocanegra should base his note on no better authority than newspaper rumors,† and could assure him that the glorious Republic which the immortal Washington founded needed "no admonitions from any quarter to prevent it from stain and dishonor." Upshur approved both the language and the act of Thompson.‡

From Mexico City the issue was now moved to Washington and from Almonte came a letter to Upshur. If, said he, the United States should commit, the unheard-of act of violence of appropriating a part of Mexican Territory, the Mexican Government would "declare war as soon as it receives information of such an act." § Upshur replied that this was neither the first nor the second time Mexico had threatened war; that the manner in which the threats were received had shown Mexico how they were regarded; and that, as the United States in times past had done nothing to injure the just claims of Mexico, the President did not believe the

* José Maria de Bocanegra to Waddy Thompson, August 23, 1843. Senate Documents, 28th Congress, 1st Session, vol. i, p. 26.

† Ibid., p. 27.

‡ Ibid., p. 35. Upshur to Thompson, October 20, 1843.

§ Almonte to Upshur, November 3, 1843. Ibid., p. 39.

policy of Congress would be affected by this new threat of war.*

The Whig Convention in Vermont regarded the movement for the annexation of Texas as part of a plan to perpetuate the slave power, and declared that annexation would be a virtual dissolution of the Union.† The Governor of North Carolina told the legislature that the rumor of a compact between Texas and Great Britain was scarcely credible. He could not believe Texas would do anything so suicidal. Her interests and those of the United States demanded annexation, and he hoped it would soon be done. Possessed of Canada and the West Indies, claiming Oregon, seeking a foothold in Texas, looking with covetous eye to Cuba, Great Britain was striving to encircle us in her arms. British compact with Texas should be resisted as an aggression on the United States.‡

By the end of the year word came from Texas that the offer of annexation was, for the present, declined. Thereupon Upshur wrote a long and pleading letter which Murphy was to show to Houston. He reviewed what he considered to be the grounds of the coolness of Texas, pointed out the sinister motives of England in her show of friendship for Texas, and what would be her fate if she did not join our Union; how emigrants from Europe would pour in; how they would bring European feelings and opinions; how immigration from the United States would end; how Texas would cease to be an American State, and how the new emigrants as soon as they were able would overturn the institution of slavery. Texas need not fear to negotiate. Measures had been taken to ascertain the opinions of Senators, and it was found "that a clear constitutional majority of two-thirds are in favor" of annexation.§

The day after this note was written, Upshur was asked by Van Zandt if the United States would defend Texas should she make a treaty of annexation. After the treaty was

* Upshur to Almonte, November 8, 1843.

† Globe, November 24, 1843. ‡ Ibid., December 7, 1843.

§ Executive Document 271, 28th Congress, 1st Session, vol. vi, pp. 43–48. Upshur to Murphy, January 16, 1844.

signed and before it was ratified Texas might be attacked by Mexico. Would the United States, therefore, if Texas so wished, put such a naval force in the Gulf and such an army on her borders as would be able to defend her against foreign aggressions? *

Before Upshur was able to reply he lost his life on the *Princeton.*

Meantime the same question was asked of Murphy, who promptly answered, Yes. He was then told that J. P. Henderson would be sent to Washington with full power to conclude a treaty.

After the death of Upshur and while Tyler was seeking a successor, the Department of State was in charge of John Nelson, the Attorney-General, and to him fell the duty of answering the note of Murphy pledging the United States to defend Texas. The President, he wrote, regretted that the zeal of the Minister had carried him beyond his instructions. He had no authority to pledge the President to such a step. To use the Army or Navy against a people at peace with the United States was beyond the power of the President. He was not indisposed as a measure of prudence, while the negotiations were under way, to concentrate land and naval forces on the borders of Texas and in the Gulf. But neither Texas nor Mr. Murphy should labor under the belief that the President could use these forces at the period indicated by the stipulations. Should an emergency arise the naval and military officers in command of such forces would be properly instructed. But no emergencey would arise and annexation would be peacefully and speedily accomplished.†

That an offer of annexation had been made by the United States, and that a treaty would surely be signed, was no secret, though the people as yet would not believe the rumor. The Washington correspondent of a New York newspaper reported it early in February, and the *Madisonian,* a Tyler journal, would neither confirm nor deny it. But

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* Executive Document 271.

† Nelson to Murphy, March 11, 1844. Executive Document 271, 28th Congress, 1st Session, vol. vi, pp. 95–96.

when reports from Texas told of an offer from the United States, of a canvass of the Senate, of promises of support from thirty-eight Senators, and of the appointment of a special commissioner to conclude the treaty, the country could no longer doubt. Enthusiasm for annexation spread over the South like wildfire. Even Whigs were eager for it. The Democratic journals began to urge it, and in March the Richmond *Enquirer* printed Jackson's letter to Brown with the date changed to 1844. Meantime, the Texan commissioner reached Washington accompanied by a young man named W. A. Miller. Houston had sent him as secretary to the secret legation at Washington and bade him stop on the way at the Hermitage and tell Jackson everything.* This he did, and bore with him to Washington a letter of introduction. In it Jackson declared that "the present golden moment to obtain Texas must not be lost, or Texas must, from necessity, be thrown into the arms of England and be forever lost to the United States." With England in possession of Texas, or in close alliance with her, what, he asked, would be the position of the United States? Great Britain could easily interpose a force, stop emigration to California, and supply her garrison from Texas. Every real American, when he considered the danger to New Orleans from British arms in Texas, must be heart and hand for annexation. He hoped and trusted there would be enough patriots in the Senate to ratify the treaty which, he doubted not, would be promptly made.†

The special agent from Texas arrived in Washington late in March; the next day Calhoun became Secretary of State, and the work of treaty-making went forward rapidly. In a month the document was ready for signature. But ere they would sign the Texan agents demanded, and received, from Calhoun a written promise of protection for Texas. Orders, he wrote, had been issued, by the Secretary of the Navy and by the Secretary of War, for the concentration of the forces,

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* Houston to Jackson, February 16, 1844. Executive Document 271, 28th Congress, 1st Session, vol. vi, p. 160.

† Letter from Jackson, March 11, 1844. Ibid., p. 109.

and during the pendency of the treaty the President would use his constitutional powers to defend her from attack by any foreign power.*

This difficulty removed, Calhoun took up and replied to a letter from the British Minister, the Honorable Richard Pakenham, which had long been in the Secretary's office unanswered. It was addressed to Upshur two days before the fatal explosion on the *Princeton* and enclosed a copy of a despatch from Lord Aberdeen written in December. The policy of Great Britain toward Texas, he said, was clear, simple, and could be stated in a few words. She did wish to see slavery abolished in Texas. The United States, and the whole world, knew that Great Britain was constantly striving to bring about the abolition of slavery wherever it existed. But, much as she wished to promote so laudable an act, she would not unduly meddle with either Mexico or Texas. She would counsel, but not seek to force or unduly control either party. Neither did she wish to establish in Texas any ruling influence. Her objects were purely commercial and she had no thought or intention of seeking to act, directly or indirectly, in a political sense on the United States through Texas. Never had she sought in any way to stir up disaffection or excitement of any sort in the slave-holding States of the American Union.†

To this Calhoun replied that the President read with deep concern the avowal, then made for the first time, that Great Britain desired and was constantly exerting herself to procure the abolition of slavery throughout the world, and that she wished to see it abolished in Texas. This frank admission confirmed the President's belief as to the policy of Great Britain toward Texas, had induced him to examine what would be the effect on the prosperity and safety of the United States should Great Britain succeed in her endeavors, and had led him to adopt, in self-defence, the most effectual means to defeat it. He was, therefore, directed by the Presi-

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* Calhoun to Van Zandt and Henderson, April 11, 1844.

† Pakenham to Upshur, February 26, 1843. Executive Document 271, 28th Congress, 1st Session, vol. vi, pp. 48–49.

dent to inform Mr. Pakenham that a treaty had been concluded for the annexation of Texas to the United States. "This step," wrote Calhoun, "has been taken as the most effectual, if not the only, means of guarding against the threatened danger and securing their permanent peace and welfare."

The signing of the treaty took place on April twelfth; but ten days passed ere Tyler's secretary entered the chamber of the Senate and laid the document, with a message urging ratification, before that body.

It provided that Texas should cede her vacant lands, public lots and squares, mines, salt lakes and springs, forts, barracks, ports, navy yards, docks, magazines, arms and armaments, navy, public buildings, archives, debts, taxes and dues unpaid at the time of the exchange of ratification. Her citizens were to be incorporated into the Union and become citizens thereof; her public debt to an amount not exceeding ten million dollars was to be paid by the United States, and she was to be annexed as a territory "subject to the same constitutional provision" as our other territories. But Texas, the message reminded the Senate, had once been part of the Louisiana purchase and had been settled by people from the United States who carried with them the laws, customs, and political institutions of their native land. Annexation would therefore be but a bringing back of territory once a part of the Union, and of a people firm and unyielding in their determination to maintain it. The genial climate, the fertile soil, the increase of the home market, and the happy expansion of trade an commerce sure to follow, were all dwelt on. But these were secondary matters. Texas, after throwing off the yoke and gaining independence, had sought admission into the United States. No intrigue had been set afoot to secure this offer. Texas willed it, and the President saw no reason to refuse. Reject the application and she would look elsewhere for aid, enter into alliances with other powers, or, it might be, hold out the offer of discriminating duties in trade and commerce in order to secure the needed aid.

Texas had voluntarily sought annexation. As an independent power she had a right to do so. Our right to receive

her was perfect. No foreign power had a right to interfere. Mexico had no right to complain.

On the day the treaty was signed Clay entered the town of Raleigh, North Carolina. Since his retirement from the Senate he had been much in the public eye. Invitations to attend public meetings, speak to the people, show himself to the people, had come from all parts of the country. In September, he accepted one and went to a great Whig convention at Dayton, Ohio, where, in the presence of nearly a hundred thousand people, he was once more named for the Presidency.

From Dayton he went over to Indiana, and at Richmond in that State addressed a Whig rally. As he spoke a man named Mendenhall made his way through the crowd and handed him a petition signed by many Quakers asking him to set free his slaves. The crowd, when the subject of the paper was made known, were much disposed to handle Mendenhall roughly. But Clay, after appealing to his fellow-citizens for their sakes, for his sake, "to offer no disrespect, no indignity, no violence by word or deed to Mr. Mendenhall," proceeded to answer him in a short speech, greatly admired and widely circulated at the time, and thought worthy of a place in the "Ashland Text-Book."

Later in the year Clay visited New Orleans stopping at Natchez and other places on the way, and coming home through Louisiana, Mississippi, and Alabama. His "progress," we are told, "was constantly impeded by vast assemblies of the people gathered to meet and welcome him." At Vicksburg and at Mobile an "immense concourse of citizens assembled to offer the tribute of their gratitude and respect." At Jackson, Mississippi, he was welcomed "by the largest concourse of citizens ever assembled in the State." At Memphis crowds poured in from the surrounding country "to look and listen to the greatest living champion of their country's honor and interests." In April of 1843, Clay spoke at Lexington, and spent the following summer writing letters on the tariff and answering urgent appeals to visit the Southeast.

This he decided to do, and in December accordingly set

off on a second triumphant progress, visited New Orleans and Mobile and came by way of Montgomery, Columbus, Macon, and Columbia to Raleigh in the "Old North State," and thence to Wilmington, Petersburg, Norfolk, and Washington. Raleigh was reached on the twelfth of April, the day Tyler signed the treaty of annexation, and from there, on April seventeenth, Clay wrote his famous Raleigh letter to the editor of the *National Intelligencer*. Before leaving Ashland on his Southern tour he had received, he said, many letters from popular meetings and from citizens asking for his views on annexation. To these he had forborne to reply partly because it was not convenient, and partly because he was loath to thrust a new subject of discussion among the many exciting topics which already agitated the public mind. During his sojourn at New Orleans, however, he heard with surprise that annexation by treaty had been offered to Texas, and that a poll of the Senate showed more than two-thirds willing to ratify it. This, at first, he could not believe. But it was true, for it appeared that the treaty had been forwarded and was soon to be laid before the Senate. His motives for silence no longer remained, and it became a duty to state his views. Clay then passed in review our title to Texas as part of the Louisiana purchase, our cession of Texas to Spain in 1819, his attempt to purchase it in 1826, the revolt of Texas, the recognition of her independence by us in 1835, and the consequences of annexation at the present time whether with or without the consent of Mexico. His conclusions were that we once owned Texas and parted with it, and that to talk of resuming our title was "perfectly idle and ridiculous if not dishonorable"; that "annexation and war with Mexico are identical"; that "Texas ought not to be received into the Union, as an integral part of it, in decided opposition to the wishes of a considerable and respectable portion of the Confederacy"; that annexation would probably upset the balance between the free and slave-holding States, as out of it would surely be carved three free and two slave States; and that annexation meant the assumption of a debt of perhaps thirteen millions. Should any European power, however, seek to colonize or in any way subjugate her, it would become the

duty of the United States to oppose such designs even to the extent of war. "I consider the annexation of Texas at the present time," said he, "as a measure compromising the national character, involving us certainly in a war with Mexico, probably with other foreign powers, dangerous to the integrity of the Union, inexpedient in the present financial condition of the country, and not called for by any general expression of public opinion." *

Clay reached Washington on April twenty-sixth and the next day the Raleigh letter, as it came to be called, was published in the *National Intelligencer*. On the evening of that day a letter from Van Buren on annexation appeared in the columns of the *Globe*. Late in March, William H. Hammett, a representative from Mississippi and an unpledged delegate to the Democratic Nominating Convention wrote to Van Buren and asked for his opinion as to the expediency of immediate annexation of Texas.

The letters of Webster and Jackson, the refusal of the legislature of Kentucky to pass resolutions in favor of annexation, the votes in the legislatures of Pennsylvania, New York, and Maine, and the belief that Clay would oppose annexation, all combined, Hammett said, to give great importance to Van Buren's opinion. If favorable, the reply would be published at once because of the effect it would have on the great question at issue. If unfavorable it would not be made public till just before the Baltimore Convention in order that his opinion might be known to that body.†

Van Buren was greatly embarrassed and promptly wrote to Silas Wright, who sent for Hammett and questioned him. Hammett stoutly protested that his object was not to annoy, but to assist Van Buren, and declared that but one person in the world save Van Buren, Wright, and himself, knew that the letter had been written. "You must know," said Wright, "that the question is embarrassing." "I know," replied Hammett, "what the answer will be. He will declare in favor of annexation. Some of the New York members have

* National Intelligencer, April 27, 1844. Niles's Register, May 4, 1844.

† W. H. Hammett to Van Buren, March 27, 1844.

told me so." Wright denied that any member of Congress was authorized to speak for Van Buren, denied that anybody knew what he would say, and assured Hammett that his letter would be answered.*

The fate of Van Buren was now in his own hands. He well knew that if he declared for annexation he would, in all probability, be the next President. He well knew that if he declared against annexation it was quite certain he would not be nominated. He answered that he was against annexation, not because it was unconstitutional, but because it was inexpedient. Inexpedient because Mexico and Texas were at war; because immediate annexation, as Mexico had warned us, would draw after it a war with her; and because in such a contest we could not hope to stand justified in the eyes of mankind. We had a character to maintain among the nations of the earth. Never yet had the lust of power led us to aggression and conquest. Never yet had we failed to do our duty as a neutral to any foreign nation. Could we maintain this character if we preceded our war with Mexico by taking to our own use a territory the sovereignty of which was in dispute between two nations, one of which we were to join in the struggle? It was said that if Texas was not acquired now the opportunity to do so would be lost forever, that some other power would acquire it, that perhaps Great Britain would attempt to make Texas a British dependency. He could not bring himself to think so. But if the time ever came when the question was, Shall Texas become a British dependency or a part of the United States? there would be as great unanimity among the people in favor of annexation as could ever be expected on any question of foreign or domestic policy. Mexico might, indeed, carry her fruitless effort to reconquer Texas so far as to convince a majority of the people of the United States that annexation was absolutely necessary be the consequences what they might. It might in that case be asked, What, if President, would you do? Would you defeat, or would you carry out the will of the people? In that event he would feel it to be

† Wright to Van Buren, April 11, 1844. Van Buren MSS., Library of Congress.

his duty to submit the issue to Congress for a public expression of its opinion, as well as to the expediency as to the mode of annexation, and if, after the issue had been fully discussed before the people, and a Congressional election had been held, Congress should declare in favor of annexation, he would feel in duty bound to carry out the will of the majority of the people.*

As soon as the letter was written a copy was sent to Wright to be by him delivered to Hammett. It reached Wright at eight o'clock on the evening of Friday, April twenty-sixth, was read and reread several times, was heartily approved, and the next morning was shown to Fairfield, King, and Stetson, the three men Wright called his council. They also approved and urged instant publication. Benton was next consulted. He, too, was greatly pleased, and all agreed that without fail, it must appear in the next issue of the *Globe*. Wright and his friends now went in search of Hammett; but it was three o'clock in the afternoon before he was found. Unless the letter was at the office of the *Globe* by four o'clock it could not appear that evening. Wright insisted, therefore, that it should go to the newspaper office at once and unread by Hammett, overruled his objections and sent it.†

To the letters of Clay and Van Buren the President replied in a message to the Senate transmitting a bundle of papers.‡ Objection, he said, had been made that the present is not the proper time to annex Texas. The documents, he believed, would show the correctness of his opinion that if not annexed at once Texas would be lost forever. This evidence consisted of Houston's letter to Jackson; of Jackson's letter introducing Mr. Miller, and extracts from four others full of doleful warning. One writer declared that if annexation failed England would guarantee the independence of Texas, and that a free-trade treaty would be concluded at once. We are all ready, another wrote, if spurned

* Van Buren to Hammett, April 20, 1844.

† Wright to Van Buren, April 29, 1844. Van Buren MSS., Library of Congress.

‡ Message and Documents, May 16, 1844. Executive Documents 28th Congress, 1st Session, vol. vi, No. 271, pp. 101–110.

again by the United States, to make free-trade treaties with Great Britain and France in return for guarantees of our independence. The enemies of annexation, so the writer said, were urging President Houston to break off negotiations with the United States, and listen to the offers of the French and British Ministers. A third asserted positively that if Texas were rejected the people would demand that an alliance with Great Britain be formed at once, and British influence would rule in Texas. The hope of Great Britain was to send her manufactures through the free port of Galveston, smuggle them into the United States, and strike a blow at the manufactures of our country, injure our revenue, and make Texas a bitter foe. Jackson declared that the "golden moment to obtain Texas must not be lost, or Texas must, from necessity, be thrown into the arms of England and be lost to the United States." Such a statement from Jackson, Tyler said, "ought to be received as conclusive of what will be the course of Texas should the present treaty fail."

Thus was the question of annexation thrust on the two political parties on the very eve of the meeting of the great Whig and Democratic Conventions at Baltimore.

CHAPTER LXXVIII.

ANNEXATION BEFORE THE PEOPLE.

DEMOCRATS everywhere had long ago agreed that a National Convention should nominate the candidates for the Presidency and Vice-Presidency, and that the party should support the nominees. The work of preparing for the convention, however, had not gone far before it was apparent that many opinions prevailed as to who should be the nominees, when the convention should assemble, how the delegates should be chosen, and whether they should vote per capita, or each delegation cast as many votes as its State had presidential electors. Scarcely had the "Coon Campaign" ended when a newspaper in Missouri renominated Van Buren, "nailed his colors to the mast," it said, and was congratulated by Benton. The Democratic party, the Senator asserted, had never been defeated but twice, and after each defeat had renominated the beaten candidate and, under him, had won a signal victory.

The real work of suggesting candidates did not begin till late in the autumn of 1841, when the disruption of Tyler's Cabinet and the long list of Democratic victories in the State elections aroused the friends of John C. Calhoun. Many of them, he wrote, thought the time had come to present his name for the next Presidency. In this he concurred. The Whigs, he was sure, were thoroughly defeated and would dissolve never to rise again as a party under the same name. There was no longer a foe to dread, and under these conditions it would be impossible any longer to prevent the agitation of the subject of the next President. If the sound portion of the party did not move, the unsound, the spoilsmen,

the camp followers, would elect their man, and the fruits of victory would be lost forever. Nothing could prevent this but prompt action by the sound part, the selection of their man and a firm determination to stand by him to the end.* The opportunity for a thorough reform of Government was now at hand. But there could be no thorough and radical reform save through the Executive, and if an improper choice were made the opportunity would be lost. The friends of Van Buren were disposed to push him for reelection; but no Northern man ever had been, or ever would be, a reformer. "If my friends," said Calhoun, "should think my services will ever be of importance at the head of the Executive, now is the time; should my friends look to me, the great point is to prevent public sentiment being forestalled, and this may be done by an extensive correspondence among friends, in and out of the State, and through the press.†

Having thus decided to be a candidate, Calhoun and his followers bent all their energies to prevent a forestalling of public opinion, and to watch the actions of his rivals. Van Buren's friends, Calhoun remarked, had put out a feeler in the Albany *Argus* with poor results. Buchanan was openly in the field in Pennsylvania, with but a feeble response, while his own friends were zealous, sanguine, and discreet.‡

At this stage the friends of R. M. Johnson became active in his behalf in Kentucky.

To Calhoun, however, the appearance of Johnson in the field gave no concern. The days, he said, of heroes and available candidates are over. The troubles that beset the country and the disorders of the times were turning the eyes of the people more and more on him.§ He became, therefore, more active than ever in public affairs, spoke on the Treasury Note Bill, on the veto, and on Clay's resolutions, heard

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* Calhoun to James E. Calhoun, November 1, 1841. Letters of John C. Calhoun, Report of American Historical Association, 1899, vol. ii, p. 495.

† Calhoun to Armistead Burt, November 28, 1841. Report of the American Historical Association, 1899, vol. ii, p. 497.

‡ Calhoun to Thomas G. Clemson, December 31, 1841. Ibid., pp. 500, 501. To James H. Hammond, December 31, 1841. Ibid., p. 502.

§ Calhoun to Thomas G. Clemson, January 23, 1842. Ibid., p. 503.

with pride that forty-six thousand copies of his veto speech had been printed and circulated widely; and by April was convinced that he was by far the strongest candidate before the people. A large majority of the members of both Houses, he believed, were his warm supporters, and that the only danger to be warded off was forestalling public opinion.* When autumn came the work of forestalling began and the friends of one candidate after another brought forward their favorite leader. In August a meeting of Democrats of Mecklenburg County, North Carolina, declared for Calhoun, subject to the decision of a National Convention.† In September, a Van Buren State Convention in Maryland resolved that it was inexpedient at that time to nominate candidates for the Presidency and Vice-Presidency; ‡ but the Whigs of Massachusetts nominated Clay,§ the delegates from Maryland to the Whig National Convention of 1840 in a long address to the Whigs of their State did the same,‖ and the people of Lancaster called for a meeting to declare in favor of their fellow-townsman, Buchanan.¶ Whigs, at Frankford, in Kentucky, and at Jackson, in Tennessee, presented Henry Clay ** in October, and the Democratic members of the legislature of Tennessee recommended that a National Convention be held at Baltimore on the fourth Monday of November, 1843, and that delegates be elected, or chosen, according to the usages of the several States.††

This formal call for a convention a year hence alarmed Calhoun. It was a point, he wrote, that would need guarding. The first precaution to be taken was to see that when nominated by his friends in local meetings assembled, or by the State, it should not be made subject to the decision of a National Convention. The second was to postpone the meet-

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* Calhoun to Thomas G. Clemson, April 3, 1842. Ibid., pp. 509–510. To Andrew P. Calhoun, April 3, 1842. Ibid., p. 512. To Mr. T. G. Clemson, April 22, 1842. Ibid., pp. 513–514.

† Niles's Register, September 10, 1842, p. 32.

‡ Ibid., September 12, 1842.

§ Ibid., September 17, 1842, p. 48.

‖ Ibid., October 1, 1842, pp. 77–79.

¶ Ibid., September 24, 1842, p. 64.

** Ibid., November 12, 1842, pp. 169, 170.

†† Globe, October 28, 1842.

ing as long as possible; till the summer of 1844, at least, that public opinion might be brought to bear on the convention as strongly as possible. Perhaps by that time the public voice might make it unnecessary.*

Acting under advice of his friends, Calhoun now resigned from the Senate, the resignation to take effect at the end of the session in March, 1843. In announcing this to his friend James H. Hammond, Calhoun reviewed his public career, that notice of his services in behalf of his country might accompany the publication of the letter of resignation. The writer of the notice was to point out how for sixteen years past he had labored to restore the old State right doctrine of '98; how with this end in view he had opposed the administration of Adams, had at first supported and then separated from Jackson, and, when nullification had settled the tariff, had used the Whigs to bring down the power of the Executive and force the party in power to return to the old doctrine which they professed, but had not practised; how when Van Buren fell prostrate in 1837 and the Whigs rushed in to seize the Government he had interposed to prevent it and had sustained the Government in its utmost need; and how after the fall of Van Buren despite his aid, he had rejoiced his old friends and led on the contest a second time. Recent elections showed how well that work was done, and being done, he was about to seek repose. How long he should remain in retirement was for the people to say.† Thus inspired, the Charleston *Mercury* remarked a few weeks later that the increasing popularity of Mr. Calhoun would make a National Convention to nominate him unnecessary.‡

In October, at a muster of the militia of Blount County, Alabama, the true Democratic doctrine was declared to be, "Everything for principle; nothing for men," and the respective claims of Benton, Cass, Calhoun, Buchanan, and Van Buren were referred to a National Convention to be held at Baltimore on the first Monday in March, 1843.§ In Decem-

* Calhoun to R. M. T. Hunter, October 26, 1842. Report of the American Historical Association, vol. ii, 1899, pp. 516, 517.

† Calhoun to J. H. Hammond, November 27, 1842.

‡ Niles's Register, December 1, 1842, p. 214. § Globe, November 14, 1842.

ber the Senate of South Carolina formally nominated Calhoun; * the legislature of Georgia was asked to recommend him to the National Convention,† and a meeting in Alabama called for a State Convention in January, 1843, to name a candidate for the Presidency; for a National Convention at as late a date as possible, and declared that while the Democrats of Alabama would support Van Buren, if nominated, they much preferred John C. Calhoun, the great statesman of the South.‡

On the memorable eighth of January a meeting of Indiana Democrats recommended that three delegates from each Congressional district and two from each State at large meet at Cincinnati in November, 1843, and act for the party. No name was indorsed; but a series of questions was addressed to the five Democrats who then stood before the people as possible candidates. Each was asked if he was for or against a national bank; for or against a distribution of the proceeds of public land sales; for or against a tariff for protection and a Constitutional amendment limiting the veto power, and, finally, if he would abide by the decision of a National Convention and support the nominee. Calhoun replied that he was not a candidate soliciting the office of President; his name had been presented by his friends and it was for them to say what course should be taken with regard to the National Convention. Buchanan said he would abide by its decision and support the candidate, and so said Johnson, Cass, and Van Buren. About the same time delegates, elected by Democrats favorable to the nomination of Buchanan, met at Harrisburg, and formally presented the name of that "preeminent and dazzling luminary." § The Democratic State Convention of Kentucky named R. M. Johnson and recommended the first Monday in May, 1844, as the time, and Baltimore or Philadelphia as the place for the meeting.||

In February, voters of Wayne County, North Carolina, announced that they feared that the unfounded prejudices

* Globe, December 28, 29, 1842.
† Ibid., December 19, 1842.
‡ Ibid., January 18, 1843.
§ Ibid., January 16, 1843.
|| Ibid., January 19, 26, 1843.

aroused against Van Buren by the campaign of 1840 would make his nomination impolitic; but with Calhoun as a leader they would go fearlessly into the conflict, "certain of success." * Democrats at Cincinnati recommended Lewis Cass, and asked for a meeting of the National Convention in their city in the spring of 1844.† Democratic members of the Maryland legislature were for a convention at Baltimore on the first Monday in May, 1844; each State to have as many delegates as it had presidential electors; the people in each Congressional district to choose one delegate, and the Democratic members of the legislature to elect two to represent the two Senators.‡ Whig members of Congress, on the other hand, adopted resolutions recommending a National Convention at Baltimore on the third of May, 1844, and that it be composed of delegates from each State equal in number to its Senators and Representatives.§ A convention of self-appointed delegates met at Trenton and nominated John Tyler.‖ They were mostly Democrats and office holders.

Early in March the Virginia Democratic Convention, held at Richmond, suggested a National Convention in November, 1844. Each Congressional district should send five men and those so chosen in each State should cast a vote equal to the electoral vote of their State. Any individual, however eminent, who refused to abide by the decision of a fairly elected and fairly organized National Convention, and give its nominee his support, should forfeit all claim to the confidence of the party.¶ The Charleston Democrats answered this by proposing a convention in May of 1844, with one delegate from each Congressional district and a per capita vote, and presented Calhoun.**

To a National Convention, however formed, Calhoun was bitterly opposed. Nothing but the circumstances in which his friends were placed, he said, could ever induce him to al-

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* Globe, February 25, 1843. † Ibid., February 13, 1843.
‡ Ibid., February 25, 1843.
§ Philadelphia Public Ledger, February 13, 1843.
‖ Ibid., February 21, 1843.
¶ Globe, March 8, 1843.
** Ibid., March 18, 1843

low his name to go before a convention,* but of all forms, that proposed at Richmond was the most detestable. It would give the great central nonslave-holding States control of the election to the exclusion of the rest of the Union and of the South in particular. It was a cunningly devised scheme of the New York School, and emanated from the brain of Silas Wright.† Ere March ended the Democrats in the Pennsylvania legislature formally invited Buchanan to be a candidate and he accepted;‡ the Democratic members of the Massachusetts legislature approved the suggestion of those of Maryland, declared for Van Buren and recommended that in each State one delegate be chosen in each district by a convention, and two by the Democratic State Convention, and that the National Convention meet at Baltimore in May, 1844.§ A popular meeting at Detroit nominated Calhoun, but was willing to stand by the nominee of the party.‖

With April came more meetings and further diversity of opinion. Members of the Louisiana legislature were for a convention in May, 1844, for delegates from each State equal in number to its electoral vote, for election of delegates by a State convention, and a per capita vote in the National Convention.¶ Democrats in the Pennsylvania legislature disapproved of the election of delegates in districts, thought they should be appointed by State conventions, should be equal in number to the State's electors of President, and preferred Buchanan.** In New York, after the adjournment of the legislature, the Democratic members met, endorsed Van Buren and declared for a convention at Baltimore in November, 1843.†† Friends of Cass, in New Jersey, recommended him to a convention to meet in Baltimore in May, 1844.‡‡

As matters then stood the party was seriously divided as to candidates, as to number of delegates, as to the way in

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* Calhoun to Henry St. G. Tucker, March 31, 1843. Letters of Calhoun, p. 527.
† Calhoun to R. M. T. Hunter, April 2, 1843. Ibid., p. 528.
‡ Globe, March 2, 1844.
§ Ibid., March 13, 1844.
‖ Ibid., March 16, 1843.
¶ Ibid., April 18, 1843.
** Ibid., April 24, 1843.
†† Philadelphia Public Ledger, April 21, 1843.
‡‡ Globe, April 26, 1843.

which they should be chosen, as to the manner of voting in the convention, and as to the time when and the place where it should meet. Van Buren, Cass, Calhoun, Johnson, and Tyler were before the people. Tennessee, Indiana, Missouri, Virginia, and New York were for a convention in November, 1843; Kentucky, Maryland, South Carolina, Massachusetts, and Louisiana were for May, 1844. Friends of Calhoun were for a convention in May; Calhoun himself was opposed to one of any sort and for the old-fashioned method of nomination by the people in the States; but, as it was clearly the will of the party that a National Convention should be held, he was in favor of a district election of the delegates and a per capita vote. To this the supporters of Van Buren objected. Some of the States had not yet created Congressional districts; in others the party was used to appointing delegates at a State convention. It was better, therefore, that Democrats in each State should choose their delegates in such wise as pleased them, and decide for themselves whether the delegates should vote as individuals or as a delegation. Some suggested that the convention should decide how its members should vote.

Friends of Tyler labored hard to persuade the people that he was still a Democrat. Old Democratic newspapers were purchased outright, their editors changed, and thus disguised, they defended him stoutly. Democrats, it was said, owed him a debt of gratitude. Had it not been for his veto and his ditto veto the country at that moment would have been in the grip of the worst of all monopolies, a national bank. Had it not been for vetoes number three and number four the South would have been cursed with another Clay tariff, and the Treasury of the United States depleted by a distribution of the proceeds of the sales of public land. Had he not appointed Democrats to office? Did not his friends everywhere, save in New Hampshire, act with Democrats? Was he not in favor of strict construction of the Constitution, universal suffrage, and the economical administration of Government, and opposed to a bank, to assumption of State debts, a tariff for protection, a public debt, and abolition?

Tyler a Democrat? it was answered. Was he so when

he opposed Jackson; when he led the Coon party, when he signed the bills repealing the Sub-Treasury act, distributing the land sales, and inflicting on the country a National Bankruptcy act? Doubtless he is a good man in many respects, but as the candidate of the Democratic party! Heaven avert the calamity! Turn aside Van Buren, Johnson, Benton, Buchanan, old and tried Democrats all of them, for John Tyler! Never!

With May came more expressions of public opinion. Mobile preferred Van Buren, a choice of delegates in such manner as the people in the States thought proper, and a meeting in November.* The South Carolina Convention named Calhoun, was for a district election of delegates, and a per capita vote, and issued an address to Democrats; † Georgia likewise declared for Calhoun, the month of May, and a per capita vote. Maine Democrats wanted Van Buren; but accepted the district system, a per capita vote, and chose two delegates at large to attend the National Convention in May.‡ Calhoun hailed this as a triumph for himself and a defeat for Van Buren. In New Hampshire the Democratic members of the legislature recommended that each State have delegates equal in number to its Senators and Representatives in Congress, that it determine for itself how they should be chosen, that the meeting take place in May and that Van Buren be the nominee.§

It was now quite apparent that one question in dispute had been decided in favor of Calhoun, and that the National Democratic Convention would meet at Baltimore on May twenty-seventh, 1844. A majority of the States had so decreed, and the friends of Van Buren in the November States were forced to submit to the will of the people. Indiana had declared for November; but the State Central Committee reversed the action of the State Committee, yielded to the wish of the majority of the party, and requested the committees of the several States to write to the *Globe,* or the Richmond *Enquirer* and report the decisions of their States as to

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* Globe, May 18, 1843.
† Ibid., May 30, 1843.
‡ Ibid., June 30, 1843.
§ Concord Daily Patriot, July 1, 1843.

time and place.* From the Vermont Committee came assurances that, for the sake of harmony, the party would acquiesce in May.† New York replied that the matter had been referred to a State convention to meet at Utica in September; ‡ but Silas Wright, in an article in the St. Lawrence *Republican,* an article copied into all the Van Buren newspapers in New York, announced that, for the sake of harmony, the Democratic party of that State would abandon November and accept May, 1844, as the time for holding the convention.

The dispute between the friends of Calhoun and the friends of Van Buren as to the time for the meeting of the convention having thus been settled, the question of the manner of choosing delegates was debated more warmly than ever. "South Carolina" set forth the argument in behalf of the district system.§ The Richmond *Enquirer* answered "South Carolina," opposed the district system, and supported the Virginia plan; was willing that each State should choose her delegates in any manner she liked, leaving it to the convention to decide on the manner of voting, and asked, in that event, if no uniform system of choosing were adopted would "South Carolina" come into the convention? The Hartford *Times* was sure that whatever might be the wishes of the friends of the various candidates at that time, they would, in the end, abide by the decision of the convention. The Democratic party belonged to no one man. Let its principles triumph, and who would care under which of its many champions it marched to victory. The New York *Courier* believed that a compromise had been effected, that the friends of Van Buren had yielded the point of time, and the friends of Calhoun the manner of choosing delegates, and that the harmony and unity of the party would not be broken and destroyed. The *Enquirer* denied this. The friends of Van Buren had yielded their preference, not because of a bargain, not because of any equivalent received, not because of any compromise, but for the sake of harmony. "Henry Clay,"

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* Globe, June 13, 1843.
† Ibid., August 12, 1843.
‡ Ibid., July 10, 1843.
§ Charleston Mercury, July 19, 1843.

said the Enquirer, "the roaring lion, stands in our path, and we are in too much danger from the Whigs to think of breaking up our party in a pertinacious and insane preference for any one candidate of our own. Give us Van Buren, give us Calhoun, give us Buchanan, give us Cass, give us Johnson, give us any honest, staunch Republican, even though we take him from the ranks, rather than fasten Henry of the West, the Mill Boy of the Slashes, the Father of the American system, around our necks."

Other important party newspapers were not so minded. The Alexandria *Gazette* was strong for Calhoun, held that Van Buren was the weakest of all the candidates, had carried but seven out of twenty-six States in 1840; had been defeated by a large majority of the popular vote, and asked what had happened since to turn the mighty tide of popular sentiment which overwhelmed him three years ago. Was it not important—nay indispensable—that the disaffected of 1840 should be brought back to the Democratic ranks in 1844 if victory was to be won? The Richmond *Enquirer* answered that they were back in the ranks. The delusion of 1840 was over, the people had awakened, and cited the triumph of 1841 to prove it. The Woodstock *Sentinel* was "for Martin Van Buren and short Dutch cabbages against the world." A Democratic convention in Chautauqua County, New York, resolved, that any attempt by the press to lessen the high esteem of the Democratic party in New York for Martin Van Buren was treason to Democratic principles. The *Globe* warned the would-be leaders, who "kicked over the traces," that they would "soon be run over rough shod" and "trampled in the dust." The Mobile *Tribune* resented the proposition that each State elect its delegates according to its own usage. The people of Alabama would never go into a convention whose members were appointed in the manner proposed by the Richmond *Enquirer*.

The New York Convention, as Wright had said it would, approved of Baltimore as the place and of May, 1844, as the time, believed that each State should send as many delegates as it had electoral votes, should appoint them in such manner as she saw fit, and that the National Conven-

tion should settle the manner of voting. Delegates were then elected and instructed to support Van Buren.*

To Calhoun the triumph of Van Buren in New York was most disheartening, and fully convinced that the National Convention would be controlled by the large central States, he decided not to be a candidate.† His friends, for a while, did not despair, and hoped that, by running him as a candidate nominated outside the Convention, they might throw the election into the House. But when, to Van Buren's triumph in Connecticut, New Hampshire, and New York, was added a signal defeat of the Union party in Georgia, friends in that State cried out that Calhoun ought to withdraw.‡ A few urged him to be firm; but one in whose judgment he had great faith, told him it would not be safe to go into any convention, however formed, with the Richmond and Albany politicians, that it would not be consistent with principle to give countenance to one not formed on the district plan, and that he ought to publish, through the medium of a letter to a friend, his reasons for refusing to split the party by allowing his name to go before the Baltimore Convention. Thus encouraged, Calhoun wrote an address to his friends and supporters, submitted it for criticism to the South Carolina delegation in Congress, and, in January, 1844, gave it to the press.

Meantime a meeting of Boston Democrats, addressed by George Bancroft, resolved that it would support the nominee of the May convention, but would vote for no delegate who was not pledged to Van Buren.§

The Tennessee State Convention assembled to elect delegates to Baltimore, promised to stand by the party nominee, and recommended Polk for Vice-President; ‖ that of Georgia made a like promise, elected two delegates at large, and left the choice of the rest to the people in the Congressional districts; ¶ Arkansas gave no instructions; but the first

* Globe, September 11, 1843.
† F. W. Pickens to Calhoun, October 22, 1843.
‡ James Hamilton to Calhoun, November 21, 1843.
§ Globe, December 13, 1843. ‖ Ibid.
¶ Ibid., December 23, 1843.

choice of the convention was Van Buren and Polk, and the second Calhoun and Woodbury.*

The triumph of the Van Buren party in Georgia was followed by a call for another State convention which, when assembled, "relaxed" the instructions of the convention of 1842, binding the delegates to vote for Calhoun, and left them free to vote for Van Buren, in order to further the "principles, harmony, and unity of the great Republican party of the Union." † The Tuscaloosa *Flag of the Union* now withdrew the name of Calhoun from the head of its column, and Democrats, who stood for regularity, read with pleasure a letter from Buchanan formally withdrawing his name "from the list of candidates to be presented to the National Convention." ‡

Party harmony was still further advanced by the State Convention of Michigan which chose five delegates and presented the name of Van Buren, and by a convention in Mississippi which declared for Van Buren and Polk.§ Cass and Johnson still kept the field; but the latter now felt called on to defend his action. He said that, as he had been nominated by a meeting composed of members of the legislature and citizens of Kentucky, and by a State convention, he was "in the hands of his friends till the National Convention should meet and dispose of him." He would accept the first place on the national ticket "with gratitude and reluctance," or the second place "with thanks and with pleasure," or take his place in the ranks without a murmur.||

No sooner was Calhoun in private life than his friends began to insist that he should again take office. One ardent free-trader told him frankly that his retirement from the Senate was a mistake, that he must go back, rally the little Spartan band of free-traders, keep their principles before the country, and save them from division between Clay and Van

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* Globe, December 27, 1843.

† Called by the Democratic members of the Georgia Legislature. Globe, November 28, 1842. The proceedings of the convention are given in the Globe, December 27, 1843.

‡ Globe, December 26, 1843.

§ Ibid., January 19 and 26, 1844.

|| Ibid., February 5, 1844.

Buren for want of a leader.* He was assured that the Secretaryship of the Treasury might be offered to him, and if it were, his duty was to accept. Judge Huger wrote that he would resign his seat in the Senate at once if Calhoun would accept an appointment when tendered by the Governor; † but the day the letter was written the explosion of a gun on the *Princeton* changed the whole course of events and Calhoun became Secretary of State.

Van Buren was now seemingly at the height of his popularity. He was apparently the choice of a united Democracy, the chosen leader of the people, the candidate certain of nomination and sure of election. Agencies of which the people knew nothing were, however, even then at work to destroy him. As far back as November, Jackson had warned him of a strong secret movement in Tennessee for Cass.‡ In January, 1844, Wright assured him that a scheme was afoot to tempt him to withdraw.

Tyler had sent Mason, of Michigan, to ask Wright if Van Buren would accept a place on the bench of the Supreme Court. It was far from certain, Mason said, that Van Buren could be nominated, and he was quite sure that, if nominated, he could not be elected. His wisest course, therefore, was to accept the offer. Wright, "looking him in the face," said "Tell Mr. Tyler from me, that if he desires to give to the whole country a broader, deeper, heartier laugh than it ever had and at his own expense, he can effect it by making that nomination." §

A little later Wright declared that a strong effort was making to extend the principles of availability to the whole ticket, that the movement was taking in Indiana and Illinois, that the Indiana delegates in the House were panic-stricken and those from Illinois alarmed, and that these madmen might write and ask him to withdraw. "Please think

* James Gadsden to Calhoun, January 27, 1844. Report of the American Historical Association, 1899, vol. ii, pp. 916–919.

† McDuffie to Calhoun, February 22, 1844. Ibid., pp. 932–933.

‡ Jackson to Van Buren. November 29, 1843. Van Buren MSS. Library of Congress.

§ Wright to Van Buren, January 3, 1844. Van Buren MSS., Library of Congress.

of it," said Wright, "for they may do it." * Letters were written to members of Congress who were also delegates to the Democratic Convention positively asserting that Van Buren could not be elected and urging the selection of the available man. One member wrote the editor of the Richmond *Enquirer* that unless guilty of some great imprudence or folly, Van Buren would probably be reelected, "but if he goes against Texas, all is lost." †

To question candidates for office, great and small, on the Texan issue now became the fashion of the time. Calhoun had stated his views in December.‡ In January, Walker, of Mississippi, a candidate for the Vice-Presidency, was asked by a Democratic convention in Kentucky what he thought of immediate annexation.§ In March, Jefferson Davis,‖ one of the Presidential electors of Mississippi questioned Van Buren. In April a public meeting of citizens of Cincinnati, opposed to annexation, asked for the opinion of Polk. Polk replied that he had no hesitation in declaring for the immediate annexation of Texas, that he had no doubts as to the expediency or wisdom of taking such a step, and believed if reannexation were refused Texas she would become a dependency of Great Britain.¶ He hoped that the authority and laws of the United States would be spread over Oregon and that the fixed policy of the Government would be not to suffer Great Britain, or any other foreign power, to plant a colony in or hold dominion over any portion of Oregon or Texas. Van Buren waited almost a month and then sent forth that long and elaborate letter in which, it was said, he "ruined his prospects gratis." **

The announcement of his death could not have more as-

* Wright to Van Buren, February 20, 1844. Van Buren MSS.

† Ritchie to Wright, March 20, 1844. Van Buren MSS., Library of Congress.

‡ Calhoun to J. W. Gilmer, December 25, 1843.

§ Walker's answer in favor of annexation is in the Globe, February 3, 1844.

‖ Jefferson Davis to Van Buren, March 25, 1844. Van Buren MSS., Library of Congress. Davis enclosed a paper containing three questions, but the paper is not with the letter.

¶ Letter of Polk, April 23, 1844. Globe, May 6, 1843.

** The letter of Hammett and the reply of Van Buren were published in the Globe, April 27, 1844.

tonished his followers. Washington, a newswriter said, was in a perfect uproar. Pennsylvania Avenue looked as it did during the days which followed the inauguration of Harrison; all the politicians in the country seemed gathered there. The Whigs were delighted; the Van Burenites amazed and downcast. All eyes were turned to Benton, whose house was literally besieged; but he would not accept the Texan treaty and all hope of running him as a candidate was abandoned. To think of Van Buren was impossible, and members from Mississippi, Alabama, and Virginia openly declared they would not support any man opposed to annexation.*

Hundreds of joyful Whigs by this time were wending their ways to Baltimore, for there on the first of May the Whig Convention was to assemble, and there, on the day following, a great mass-meeting of Whig young men was to ratify the nominations of the Convention. Two canal-boats from Harrisburg brought delegates from several counties of Pennsylvania. A huge ark had floated down the Susquehanna with delegates from Broome County, New York. Every stage, every train, steamboat, packet brought its contingent and helped to turn the city into what seemed a Whig camp. Clay portraits, Clay banners, ribbons, badges, songs, quicksteps, marches, caricatures, met the eye at every turn. Enter a book-store, it was said, and "Life of Henry Clay" is the first thing you see. Look into a shop window and your eyes rest on rows of Clay medals, and streamers of Clay ribbons in all manner of devices. The hat-makers exhibited Clay hats and the tailors Ashland coats. In some shops were coons perched on balls of public opinion rolling over old foxes; in others little foxes "raising the old Harry." On the street corners stood men with bunches of hooked canes, the real knock-down-and-drag-out sort, labelled, "Clay sticks." Boxes of live coons were everywhere. Across the streets from house-top to house-top were suspended flags, inscriptions, and ropes of evergreen. On the balconies were festoons, banners, portraits of Clay, and such inscriptions as "Welcome Whigs," or "Clay forever." † In fronts of many shops and

* Globe, April 27, 1844.

† National Intelligencer, May 2, 1844.

on vacant lots were gayly trimmed platforms where ladies might view the great procession. Windows along the route sold for fifteen dollars. The crowded sidewalks, the delegations marching to headquarters, the flags, the music, the singing, the cheers, made a scene the like of which Baltimore had not exhibited even in the memorable days of 1840.

Clay was nominated by acclamation. The list of candidates for second place on the ticket was long; but after the names of McLean, Evans, and Clayton had been withdrawn, the roll of the delegates was called and each named his favorite. In this way Fillmore, John Davis, Frelinghuysen, and Sargent were presented and the Convention chose Frelinghuysen. The reporters of the Washington newspapers then hurried off with the news by train, but when the cars reached the end of the telegraph line then in process of construction, the result of the labors of the Convention was telegraphed to the Supreme Court room in Washington * and sent by messengers to every hotel in the city. Congress held no session that day in order that members might go to Baltimore, and twenty cars went crowded with them.†

The revolt against Van Buren by this time was open and bitter. A caucus of Democratic Congressmen resolved to drop him at all hazards. Letters from Virginia gave assurances that his stanchest friends in that State had given him up; and some expressed the hope that he would withdraw. The Ohio delegates, in a letter to the Democracy of Ohio, said there was reason to believe that for weeks past a very serious movement had been on foot in Washington to persuade the Convention to set aside the oft and clearly expressed wish of the people and nominate some candidate other than Van Buren.‡ The delegation from Indiana thereupon addressed its constituents.§ That a plan to defeat Van Buren was on foot, and had been on foot for weeks, was news to them. They had, indeed, expressed doubts as to the result, should he secure the nomination; but their doubts had been forced upon them by letters which for three months past had

* National Intelligencer, May 8, 1844.
† Philadelphia Ledger, May 3, 1844.
‡ Published in the Globe, May 3, 1844.
§ Ibid., May 6, 1844.

been coming to every member of the delegation from every part of Indiana, and from men known to be his ardent supporters. A member of the Indiana delegation, after announcing that he was for Van Buren, told his constituents that on inquiry he found that a majority of the representatives from twenty-one Democratic States were sure that, with Van Buren as the nominee, not more than seven could be carried; but with a fresh candidate of sound Democratic principles the other fourteen would be safe.* Seven delegates from Mississippi admitted that the Convention which appointed them had expressed a preference for a certain candidate; but since that time the legislature, the press, and every man who attended the Convention, had declared for immediate annexation.† The people wished it, and their delegates to the Baltimore Convention should, therefore, support a candidate in favor of it.‡ The South Carolina delegation, in a card, declared they had neither put on foot themselves, nor had aided others to start any movement to defeat Van Buren.§ A member from Pennsylvania had never attended any caucus, meeting, or assembly of any kind, at which it was proposed, by anybody, to set aside Van Buren.‖ Another from Arkansas would under no circumstances cast his vote for a candidate opposed to the immediate annexation of Texas.¶ A third wrote a strong letter in favor of Van Buren. The *Pennsylvanian* complained of Congressional dictation, and denounced the interference of members of Congress with the popular will as no better than the old Congressional caucus.** A New York journal condemned the rebellion, and asserted that a protest against Van Buren was passing about among the members of Congress for signature.†† A Nashville newspaper predicted that the name of Van Buren would be with-

* R. M. Saunders to the Democracy of Indiana, National Intelligencer, May 9, 1844.

† Mississippi Delegates to Democratic Party in Mississippi, National Intelligencer, May 7, 1844.

‡ Dromgoole, of Virginia, in National Intelligencer, May 7, 1844.

§ Globe, May 9, 1844. ‖ C. J. Ingersoll, in the Globe, May 9, 1844.

¶ Edward Cross, in the Globe, May 3, 1844.

** Pennsylvanian, May 6, 1844. †† New York Sun, May 7, 1844.

drawn, that the claims of Polk and a few others would be urged, that after two or three ballots there would be a cordial, harmonious, and strong union on one of them, that he would be hailed as the candidate of the great Democratic party, and hinted that he would be Polk.* The friends of Buchanan now assured him that Van Buren could not be nominated and urged him to allow his name to be presented;† but he would not consent unless, after a fair trial, Van Buren was withdrawn, or it became certain that he could not be nominated.‡

Dodge, of Iowa, begged Van Buren to take up the Oregon issue, and asked him three questions: Do you think the United States has a clear title to Oregon, and, if elected, will you favor serving notice on Great Britain? Are you in favor of at once extending to citizens in Oregon protection by means of forts, troops, and laws? If elected President will you sign the Oregon bill passed by the Senate in February, 1843? A reply, said Dodge, is needed and will aid your candidacy. "Give us a strong Western Oregon letter." §

On the eve of the Convention Amos Kendall wrote urging him to so modify his views on annexation as to satisfy many who were opposed to him. To all such entreaties Van Buren remained deaf. The ground taken in his Hammett letter, he wrote to Wright, would in the end be amply justified by a vast majority of his countrymen, and was the only one, he was sure, by which the country could be carried through the present and future difficulties. "Let us therefore," said he, "whatever others may do, pursue steadily and undismayed, the path of duty." || To Kendall he wrote that his position on the Texan issue had been taken carefully and deliberately, and that he could not change his views.¶

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* Nashville Union, May 23, 1844.

† W. R. King to Buchanan, May 10 and 14, 1844; H. B. Wright to Buchanan, May 13, 1844; Henry Welsh to Buchanan, May 20, 1844. Buchanan MSS., Pennsylvania Historical Society.

‡ Buchanan to General H. D. Foster and Benjamin H. Brewster, May 25, 1844.

§ A. C. Dodge to Van Buren, April 30, 1844. Van Buren MSS.

|| Van Buren to Wright, May 10, 1844. Van Buren MSS.

¶ Van Buren to Amos Kendall, June 12, 1844. Van Buren MSS.

The stout refusal of Van Buren to bid for the Presidency contrasted strongly with that of Cass, who wrote a letter which quickly found its way into print, announced himself a firm believer in immediate annexation in any manner possible, and at once became the candidate of the delegates from the South. Despite all that could be done, however, it was certain that Van Buren would have a majority of the Convention. The plot to defeat the will of the people by noise at Washington, said the *Globe*, is a failure. The cry, "He can't be elected," and "the new issue" will not do. The new plan, therefore, was to prevent a nomination by requiring the nominee to receive a two-thirds vote of the Convention. If the delegates kept faith this scheme would come to naught; but a small defection would prevent a nomination and send the election into the House of Representatives to be bargained for again. And so, by a rule without precedent in any State, county, or district convention of the people, the National Convention might frustrate the sole purpose of its existence.*

The publication of Jackson's letter of 1843 had greatly alarmed the friends of Van Buren. Benjamin F. Butler, at one time Attorney-General of New York, was, therefore, sent post-haste to the Hermitage to persuade Jackson to endorse his old friend as a candidate for whom even the most ardent annexationist could vote.† The mission was successful, and another letter from the old hero soon appeared in the newspapers. When President, he admitted, he had been opposed to the annexation of Texas. But time had so changed the aspect of the question that a change in the attitude of the Government was now demanded. Unless Texas was soon admitted into the Union she would be drawn into an alliance

* Globe, May 24, 1844.

† When Butler was on his way South he stopped at Washington, where Spencer called on him. Tyler, he told Butler, would insist that no slavery restriction should be put in the treaty, for the President was bent on embarrassing both Clay and Van Buren regardless of consequences to the treaty or the country. Clay, he said, would come out against annexation. He proposed, therefore, that Butler and he should attempt to effect an arrangement by which Clay and Van Buren should take the same ground and thus put it out of the power of Tyler "to disturb the existing parties with the question." Wright asked Van Buren if he should meet Spencer. Wright to Van Buren, April 8, 1844. Van Buren MSS.

with some European power. This would be dangerous to New Orleans, to the whole valley of the Mississippi, to the United States. Texas was the key to our safety in the South and Southwest. Let us, then, "take it and lock the door against future danger." Whether she came to us by treaty or by joint resolution was of no moment. As to Van Buren, the confidence of Jackson in him was unshaken. No difference of opinion on annexation could change his regard for the character of Van Buren. Evidently, when he wrote his letter, he remembered conditions as they existed in 1837, and took no thought of the disclosures since made—disclosures which showed the likelihood of a dangerous interference in the affairs of Texas by a foreign power.*

Such was the state of affairs when Gideon J. Pillow, a delegate from Tennessee and the personal representative of Polk, reached Washington. He was surprised, he wrote, "at the extent of the distractions and the bitterness of feeling" which existed between the friends of Van Buren on the one hand, and the disaffected Southern delegates on the other. Northern Democrats were loudly declaring they would never give up Van Buren, that in no event should his name be withdrawn. Delegates from the Southwest and West were making extraordinary efforts for Cass, and just as vigorously asserting they would never go into the Convention if the two-thirds rule were not adopted, nor if Van Buren was to be the nominee. So determined were they that Pillow feared they might secede and join the party of Tyler.† The breach seemed almost impassable. The factions would never unite save on some other man than Van Buren or Cass. Why not, then, on Polk? With everything in confusion it would not be at all surprising, Pillow wrote, if both parties took Polk on a compromise.‡ When, a little later, men began to talk of compromise, when some Van Burenites announced that if the Democracy could "fix upon a man upon whom the South could unite, they would support him"; when the Southern

* Jackson to the Nashville Union, May 13, 1844. Globe, May 23, 1844.
† Pillow to Polk, May 22, 1844. Polk MSS., Library of Congress.
‡ Ibid., May 24, 1844. Polk MSS.

delegates replied that if Van Buren were withdrawn "the North might name the man," the selection of Polk would have been assured had it not been for the claims of Johnson, Woodbury, and Cass.*

The Convention was to assemble at noon on Monday, the twenty-seventh of May, in the Odd Fellows Hall; but every train, stage-coach, and steamboat that reached the city during Friday and Saturday came loaded with delegates and spectators. On Saturday evening the Southern delegates met, laid out a plan of action, chose Mr. Saunders, of North Carolina, to lead the anti-Van Buren forces in the Convention,† and assigned to him the task of winning Northern votes for the adoption of the two-thirds rule. Half the Pennsylvania delegates were secured by an offer to make Mr. Wright their Chairman, presiding officer of the Convention, but Saunders was still four votes short when the delegates began to assemble on Monday morning. At the first stroke of twelve he took the chair, called the members to order, nominated Wright for temporary Chairman, and moved the adoption of the rules of the Convention of 1832, one of which required a two-thirds vote to elect a candidate.

A noisy debate followed and had gone on for some time before the Chairman remembered that proceedings had not been opened with prayer, and called on the clergyman provided by the Committee of Arrangements to perform his office. Debate was then resumed, but was interrupted by matters of routine which occupied the first day. Early on Tuesday discussion on the adoption of the two-thirds rule began again and continued till about noon, when Saunders having made sure of a good majority, it was cut short by calls of Question! Question! from North Carolina, Georgia, and Tennessee. The roll having been called, those in favor of adopting the two-thirds rule were found to be one hundred and forty-eight and those opposed, one hundred and sixteen.

A recess was then taken till four in the afternoon, when balloting for a candidate for President began, and amid

* Pillow to Polk, May 25, 1844. Polk MSS.

† Clay or Polk. By an Adopted Citizen. 1844, pp. 31–35.

scenes of confusion, excitement, and disorder, which the presiding officer could not check, was continued till seven ballots were taken, after which the Convention adjourned till the morning of the third day.

As the votes for Van Buren had steadily diminished while those for Cass had steadily increased, the friends of both candidates spent the night in earnest preparation for the morrow. The supporters of Cass sought diligently for votes; the followers of Van Buren strove to find some candidate strong enough to beat the man from Michigan. No sooner had the Convention adjourned than George Bancroft, of Massachusetts, assembled his delegation, urged it to support Polk, secured a unanimous approval, laid the plan before the delegates from New York, visited those from Tennessee,* and received such promises from other States that it was decided to present the name of Polk when the Convention assembled.

On the morning of the twenty-ninth of May, accordingly, when the eighth ballot was counted, forty-four votes were found to have been cast for Polk. Excitement now became intense and as the roll of the States was called for the ninth ballot but thirteen voted. State after State requested to be passed over, and two, New York and Virginia, were suffered to withdraw for consultation. On their return Virginia gave all but one of her votes for Polk, New York, after formally withdrawing the name of Van Buren, cast hers also for the favorite son of Tennessee, and the Convention was stampeded. States, passed over on the first call, now voted for Polk; States which, on the first call, had voted for Cass, made haste to change to Polk, who, when the roll-call was ended, was de-

* "I have within the last few minutes received a proposition from a leading delegate of Pennsylvania and of Massachusetts to bring your name before the Convention for president." Pillow to Polk, May 28, 1844. Polk MSS. Library of Congress.

"I went first and called our own delegation together. . . . I then went and saw the New York delegation, and they also perceived how the case lay. . . . Van Buren implacably detested the thought of Cass as a candidate. . . . I proceeded to the delegation from Tennessee and they naturally accepted the name of Polk joyfully, and distributed among themselves that part of the work which I thought they could best do. We went on in this manner. . . . " Bancroft to I. G. Harris, August 30, 1887. Bancroft MSS., Lenox Library, New York.

clared unanimously nominated. The moment the result was no longer in doubt a despatch announcing the triumph of Polk was hurried off to the telegraph, was sent to the Capitol, was spread among the Congressmen, and the reply—"The Democratic members of Congress, to their Democratic brethren in Convention assembled, send greeting. Three cheers for James K. Polk"—was read in the Convention before the President had officially announced the nomination.*

Silas Wright was unanimously nominated for the Vice-Presidency, was at once informed by telegraph, and by the same means promptly declined. Loath to accept his resignation, the Convention appointed a committee to go to Washington that night and persuade him to permit his name to remain on the ticket. But, on the morning of the fourth day, the committee reported that Wright would not consent, and balloting for a Vice-President began again. Votes were cast for Fairfield, Woodbury, Dallas, Cass, Johnson, Commodore Stewart, and Marcy. Walker, of Mississippi, appealed to the Convention to elect Dallas; but the question was at once asked: Is he sound on the bank? Did he not in 1832 introduce in the Senate the bill to recharter? The answer was: "Yes, but he acted under instructions; he was opposed." "Why, then," it was asked, "did he not resign?" All hope of electing him now seemed lost; but a delegate announced that he had been conspicuous at an annexation meeting in Philadelphia, opposition disappeared, and on the next ballot Dallas was nominated.†

The platform was that of 1840 with three planks added. They declared that any law for the distribution of the proceeds of the public lands among the States would be inexpedient and unconstitutional; that the party was opposed to taking from the President the limited veto which had "thrice saved the American people from the corrupt and tyrannical domination of the Bank of the United States"; and "that our title to the whole of the Territory of Oregon is clear and unquestionable; that no portion of the same ought to be ceded to England or any other power, and that the

* The Globe, June 6, 1844. † National Intelligencer, June 1, 2, 1844.

reoccupation of Oregon and the reannexation of Texas at the earliest practicable period are great American measures, which the Convention recommends to the cordial support of the Democracy of the Union."

James Knox Polk was born in Mecklenburg County, North Carolina, November second, 1795. The name of the forefather who came from Ireland and settled in Maryland is said to have been Pollock, and that, in the course of the repeated migrations of his descendants from Maryland to Carlisle in Pennsylvania, and from Carlisle to North Carolina, it came to be first pronounced, and then spelled, Polk.

In Mecklenburg the Polks began to rise into prominence, and one, Thomas, a granduncle of James, became colonel of the county militia, member of the provincial assembly, and is still remembered as a signer of the Mecklenburg Declaration of Independence.

James was the oldest of ten children, and when eleven years of age was taken to the frontier of Tennessee, where the family settled in the valley of the Duck River. There the boy secured such an education as could be had from the frontier preachers of those days, spent a few months at the Murfreesborough Academy, and in 1815 entered the University of North Carolina. After graduation, in 1818, he returned to Tennessee, became a student of law in the office of Felix Grundy, was admitted to the bar in 1820, and sent to the legislature in 1823. There he became a warm supporter of Jackson and voted for him when elected to the United States Senate.

Polk's activity in the campaign of 1824 won him an election to Congress, and in December, 1825, he took his seat in the House of Representatives, spoke in favor of the proposed amendment to the Constitution giving the people a direct vote for President and Vice-President, and attacked the Panama mission, and was rewarded for this, in 1827, with a place on the Committee on Foreign Affairs, was made chairman of the Select Committee to which was sent the remarks of Jackson on the coming surplus revenue, and wrote the report denying the right of Congress to distribute the surplus, or raise more revenue than was needed for the public service.

During the sessions of 1830 Polk defended the Maysville Road veto, became a member of the Committee of Ways and Means in 1832, and wrote the report of the minority against the conduct of the bank in the matter of the three-per-cent stock. For his conduct in the struggle for the recharter of the bank, Polk was made Chairman of the Committee of Ways and Means in 1833, defended the removal of the deposits, and in 1834, when Speaker Stevenson resigned the chair and his place in the House, Polk was defeated for the great place of Speaker, but was elected to it in 1835 and re-elected at the extra session of 1837. In 1839 he was made Governor of Tennessee, but was beaten by the Whig candidate in 1841 and 1843.

George Mifflin Dallas, the candidate for Vice-President, was the son of Alexander James Dallas. He was born at Philadelphia in 1792, graduated from Princeton in 1810, was admitted to the bar in 1813, and when Gallatin went as one of the peace commissioners Dallas accompanied him as private secretary. A year later he returned from Ghent with despatches to find his father Secretary of the Treasury, and remained with him a while at Washington; but soon returned to the practice of law, plunged into politics, became a Democratic leader of note, was elected Mayor of Philadelphia, filled an unexpired term in the United States Senate, and was for a time Attorney-General of Pennsylvania, and then Minister at the Court of St. Petersburg during the first half of Van Buren's term.

A third pair of candidates, James Gillespie Birney and Thomas Morris, of Ohio, were nominated by the Liberty party in August of 1843. As described by itself, the Liberty party was not founded for the time-serving purposes of scheming politicians. It sprang from the people because of the firm belief that no party in the country stood for the true principles of American liberty. It was not formed merely to labor for the overthrow of slavery, but to carry out the principles of equal rights, and uphold every just measure of individual and social freedom. It was not a sectional, but a national party, was not a new party nor a third party, but the old party of 1776 struggling for the principles of that memor-

able era.* When the Constitution was adopted, so the platform set forth, it was understood that the faith of the nation was pledged that slavery should not be spread beyond its then existing limits, and should at no distant day be wholly abolished. This pledge had been nobly redeemed in the ordinance of 1787, but had been shamefully violated by the failure of some States to abolish slavery, by the continuance of it in the District of Columbia and in the Territory of Florida, by the admission of new slave-holding States into the Union, and by the protection afforded slave-holders in American vessels on the high seas employed in the coastwise slave-trade. Congress had no power under the Constitution to set up or continue slavery anywhere, for an amendment declared that no person should be deprived of life, liberty or property without due process of law. Therefore, all acts of Congress continuing slavery in the District of Columbia and the Territory of Florida, or on the high seas, were unconstitutional. The Act of Congress which required the return of fugitive slaves, nullified the habeas corpus acts of the States and ought to be repealed. The clause of the Constitution which required the return of fugitives from labor was a requirement to do an act derogatory to natural right, to rob a man of his natural right to liberty, was vitiated by its own inherent immorality, and was, therefore, absolutely void. The legislature of each free State ought, therefore, to make it penal for any of its inhabitants to aid in carrying out of the State any person merely because he was a slave by the laws of some other State.

The stronghold of the Liberty party was New York and Massachusetts; but thousands of ardent supporters were to be found in Ohio, Indiana, Illinois, Michigan, and Pennsylvania.

Everywhere the nomination of Polk was heard with astonishment. It would require a skilful limner, said a Washington newspaper, to portray the scene exhibited by expectant Democrats gathered about the north door of the Capitol as the operator reported the names of States that, one after

* Platform of the Liberty party, adopted at Buffalo, August 30, 1843.

another, voted for Polk, and the speechless amazement of the faithful when the telegraph made known his nomination.* A Macon journal † remarked that when the news reached that town nobody would believe it. Some said it was a hoax, others had never heard of the nominee. "Polk!" it was asked, "who is he? What has he done to give him prominence over Buchanan, Van Buren, Johnson, Cass, Calhoun?" "He has," was the answer, "been twice defeated for Governor of the State of Tennessee." At New York, some ardent Democrats who had a cannon ready to salute the nomination of Van Buren were so disappointed that they did not fire it once. "Polk! Great God, what a nomination!" wrote Letcher, of Virginia. "I do think the Democratic Convention ought to be d—d to all eternity for this villainous business." ‡

While the Democratic Convention was in session at the Odd Fellows Hall, another body of delegates assembled at Calvert Hall. Each wore on his coat a large gilt button adorned with a single star, for they had come together for the sole purpose of nominating John Tyler, the champion of the annexation of Texas. Over the chair of the presiding officer was displayed the motto, used at a recent Texas meeting in Baltimore, "Reannexation of Texas—Postponement is Rejection"; and on a flag that hung near by were the words "Tyler and Texas." The proceedings were short and harmonious; for as soon as officers were chosen and organization completed a committee of five was appointed to write to John Tyler and inform him that he had been nominated by the Convention for the high office of President of the United States. This done, the Convention adjourned to the following day, when the duty of selecting a candidate for Vice-President was assigned to another committee.§

No platform was framed; but it mattered little, for in the contest thus opened the overshadowing issue was the imme-

* National Intelligencer, May 30, 1844.

† Macon Messenger.

‡ R. P. Letcher to Buchanan, July 7, 1844. Buchanan MSS., Pennsylvania Historical Society.

§ Baltimore American, May 28, 1844.

diate annexation of Texas. "Polk, Dallas, Texas, and Democracy," "Young Hickory, Dallas, and Victory," "Texas and Oregon," "Texas, Polk, and Dallas," were the cries of the Democrats from Maine to Louisiana.

The party having declared for reannexation, it remained to be seen whether or not the Senate would obey and ratify the treaty. Fearing it would not, the friends of immediate annexation in the South began to threaten. A New Orleans meeting resolved that if the treaty were rejected it would be the duty of the legislature of Louisiana to form a compact with Texas, subject to the Constitutional action of Congress, and extend her boundary to its ancient limits. A meeting at Charleston adopted a long set of resolutions. But the newspapers of the South suggested a more vigorous plan, which was nothing else than dissolution of the Union. Should the treaty be rejected an attempt should be made to carry a joint resolution, using threats of disunion if necessary. Should this fail, Southern members, before Congress adjourned, ought to enter a protest, suggest a convention of Southern delegates at Nashville or Richmond, and demand an extra session of Congress, and force it to decide whether it would admit Texas or take amicable measures to dissolve the Union.

The question which, in the South, absorbs all others, said the *South Carolinian,* is the annexation of Texas. Even that usually absorbing one, the Presidency, sinks into insignificance before it. Over the South Van Buren is dropped by his most devoted followers. We feel no interest in the Presidential scramble. We are glad our people took no part in the Convention. Clay and Van Buren are both dead, dead, dead, not only in South Carolina, but in the whole South. The only hope of the South is in herself, and if she dare not rise as one man in her might and unite with Texas, her doom is sealed. She agrees with the old hero of the Hermitage that this is the golden moment which must not be lost or Texas will be thrown into the arms of England. With Great Britain once firmly seated in Texas there is an end of all peace and safety for the South. Must we fold our arms and yield to the current which is sweeping us on to destruction?

Never! What, then, is to be done? Call on our delegates in Congress to wait on the Texan Minister and remonstrate with him against any negotiation with foreign powers till the South has time to act. Call a convention in each Southern State to decide what action shall be taken on annexation; appoint delegates to a convention of slave States; let it consider the annexation of Texas to the Union, if the Union will have her, or if the Union will not, then of annexing Texas to the Southern States; let the General Convention then ask the President to assemble Congress and submit to the free States the alternative—admit Texas, or arrange the terms of a dissolution of the Union.*

Some six hundred citizens of Barnwell District, South Carolina, having assembled one day late in May to witness a militia drill at Ashley, resolved, that a Southern convention was needed. The plan as outlined called for a gathering of friends of annexation at Columbia on the fourth of July, and an urgent appeal by the meeting for a convention, at Nashville, of delegates from the slave-holding States "to give force and direction to any movement which they, in their collected wisdom, may think proper."

A meeting a few days later at Beaufort was more outspoken. Should the Senate, "under the drill of party leaders," reject the treaty, the people of Texas need not despair, need not give way to just resentment, need not turn their eyes to a foreign power, for "we will dissolve this Union sooner than abandon Texas." A regiment of eight hundred men from the Lexington and Orange Districts resolved, that in the event of a rejection of the treaty a convention should be held as soon as possible and means devised for the annexation of Texas "to this Government."

In Lawrence County, Alabama, the people thought that "the possession of Texas is infinitely more important to us of this section of the Union than a longer connection and friendship with the Northern States, and if we have to yield either it cannot and shall not be Texas." The men of Edgefield called on the members of Congress favorable to annexa-

* South Carolinian, May 30, 1844.

tion to do all in their power to bring it about, and, as a last resort, to take steps for the assembling of a convention of States friendly to annexation. After the South is assured of the rejection of the treaty is the proper time, so said the citizens of St. Helena Parish, South Carolina, for us, "to propose immediate steps toward a Southern convention, unite with Texas, and leave disunion to the North."

During the month of May strong resolutions demanding the annexation of Texas were hurried to Congress from citizens of Petersburg, from the Darlington District, and the Marion District in South Carolina; from citizens of Mobile and of Prince George County, Va. They produced no effect, and on the eighth of June the treaty of annexation was rejected by the Senate.* Tyler at once appealed to the House. Annexation by treaty, he said, was the most suitable form; but Congress had ample authority to annex Texas by some means other than the formal ratification of a treaty, and, should it do so, he was ready to give prompt and active co-operation.

He favored annexation because Texas touched the United States; because her immense resources, if properly developed, would equal our exports at no distant day, and give a new impulse to our commercial, manufacturing, agricultural, and shipping interests; because she would give protection to our frontier; because she had been settled by citizens from the United States; and because annexation was not sectional nor local, but appealed to the interests of the whole country. He passed in review the various objections to the acquisition of Texas: offence to Mexico, violation of treaty obligation, expansion of our territory, the attitude of Great Britain, and

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* The vote on ratification was yeas 16, nays 35. Every Senator was present; but one, a Democrat from Indiana, refused to vote. The States, both of whose Senators voted No, were Maine, Vermont, Massachusetts, Rhode Island, Connecticut, New York, New Jersey, Delaware, Maryland, Virginia, Ohio, Michigan, Kentucky, Tennessee, Louisiana. The States, both of whose Senators voted Yes, were Pennsylvania, South Carolina, Illinois, Alabama, Mississippi, Arkansas. The States whose votes were divided were New Hampshire, North Carolina, Georgia, Missouri. One Senator from Indiana voted No. All Whigs save one voted No. Fifteen Democrats voted Yes and seven No. Niles's Register, June 15, 1844, p. 241.

replied to each, and closed with the statement that the question was not as to the manner of annexation, but whether it should or should not be accomplished.*

The message was referred to the Committee on Foreign Relations, but no report was made. Congress adjourned without taking action. The Southern members made no protest, and no call for a Southern convention was issued.

And now the disunion movement went on more vigorously than ever. On the day the Senate rejected the treaty, citizens of Russell County, Ala., in mass-meeting assembled, called for a convention of three delegates from each Congressional district in the Southern States to meet at Richmond in October and consider whether Congress had a right, under the Compact of Union, to tolerate discussions on slavery in its proceedings, and if so, whether a Federal convention should not be called, and the Constitution so amended as to forbid Congress to touch the question of slavery in any form whatever, because it was under the exclusive jurisdiction of the States wherein it existed. "Let it be said once for all," so ran the preamble to some resolutions adopted in Union District, South Carolina, "that there are rights which we love better than we love the Union, and which we will not yield even to save it. We hold to our rights, give up the Union and leave the consequences to God." A meeting in the Williamsburg District resolved that it was better for the Southern and Southwestern States "to be out of the Union with Texas, than in it without her." After the militia had been reviewed the commanding officer addressed the men in a vigorous speech, and they promptly resolved, that the immediate annexation of Texas was "of paramount importance" and that it was better for the interest of the Southern and the Southwestern States to "stand out of the Union with Texas, than in it without her."

News of the proposed Nashville convention having reached Tennessee, the citizens of Davidson County were summoned to a meeting at the Court-House to protest "against the desecration of the soil of Tennessee" by a set of men bent on

* Tyler's Message of June 10, 1844.

the ruin "of our glorious Confederacy," a joint meeting of Whigs and Democrats of Nashville denounced any party of men having for its motto "Texas or Disunion," * and the Tennessee Central Polk Committee of Correspondence in a long address urged that the proposed Nashville gathering be changed from a Southern convention to a conference of friends of Southern institutions which should be not a Southern, nor a Northern, nor in any sense a sectional gathering, but a national festival to which political brethren from all quarters of the Union should be invited.

The Richmond *Enquirer* was as little disposed to have it held in that city. Before such a proposition could be considered it must be changed from a Southern convention to a convention of all the States favorable to speedy annexation, and all design to disturb the Union must be disclaimed. But the Shockoe Hill Democratic Association cordially tendered their brethren from every State in the Union the hospitality of "our city, our soil, and our firesides," whenever they thought fit to meet in convention on the annexation of Texas, and pledged their "word and sacred honor" to protect the members, "at whatever risk," from harm. Understanding this to mean that the Whigs would use force to prevent such a meeting, Clay Clubs at Richmond met, adopted a long address reviewing the disunion movement, citing the resolutions of disunion meetings, appealing to Virginians to stand by the Union, and ending with the assurance that, "having heard the proposal to hold such a conclave in our city, we protest against such an act of desecration to our soil and firesides, and here solemnly declare that, with our consent, it shall not be held here." †

We know of no such movement as a Southern convention, the Richmond *Enquirer* replied. Not a Democrat in Richmond knows, believes, or suspects, that any such meeting will ever be held. The Democratic association has disowned it, and if the idea were ever entertained outside of Virginia it is now abandoned.

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* Globe, August 20, 1844.

† Meeting of August 3, 1844. Richmond Whig. Niles's Register, August 17, 1844.

The Democratic platform was silent on the tariff. Indeed, the word was not to be found in it. When, therefore, the *Intelligencer* of Harrisburg, a Whig journal, questioned the opinions of Polk and called him a free trade theorist, the Union, a Democratic newspaper, hurried to his defence. Polk, the editor asserted, abhorred free-tred, never wanted it and never would, and favored a judicious revenue tariff giving ample incidental protection to all American industries. The Whig newspaper in reply quoted a letter of Polk to Jones when both were candidates for the Governorship of Tennessee in 1843. "I am opposed to the act of the late Congress," said Polk, "and in favor of its repeal, and the restoration of the tariff act of 1833." In Pennsylvania, where the Democrats were shouting for "Polk, Dallas, and the Tariff of '42," the statement was too serious to be ignored. John K. Kane, of Philadelphia, therefore, wrote to Polk, asked for his opinions on the tariff and received in reply what came to be called the Kane Letter.

To please the free-traders he referred to his vote against the tariff of 1828, which raised the duties, and for that of 1832 which cut them down, and for that of 1833 which practically gave up the principle of protection. To please the Democratic protectionists of Pennsylvania he now declared he was in favor of such a tariff for revenue as would yield enough money to pay the expenses of Government economically administered.

In times past he had sanctioned such moderate discriminating duties as would afford a reasonable incidental protection to our home industries. He was, however, opposed to a tariff for protection merely. But he believed it was the duty of the Government to extend by its revenue laws, and by all other means within its power, fair and just protection to agriculture, manufactures, the mechanical arts, commerce, and navigation.* Buchanan praised Polk for this "discreet and well-ordered letter" and assured him it has been "used by us with great effect." †

* Polk to John K. Kane. National Intelligencer, July 25, 1844.

† Buchanan to Polk, September 23, 1844. Buchanan's Manuscripts, Pennsylvania Historical Society.

One such letter, however, was quite enough, and to another friend Buchanan wrote, "for Heaven's sake let our friend, the Colonel, write nothing more on the subject of the tariff!" * That Polk was sound on the tariff was seriously doubted by Buchanan; he might at any moment declare against the Act of 1842 and thereby ruin his fair prospects in Pennsylvania. No such declaration was made, and to the day of election "Polk, Dallas, and the Tariff of '42" was the Democratic cry in Pennsylvania, was inscribed on banners, flags, and transparencies, was shouted at mass-meetings, and was sometimes accompanied with the taunt, "We dare the Whigs to repeal it."

The Democrats of Dickinson Township, Cumberland County, were not quite sure that their own party might not repeal it, and at a public meeting appointed a committee to write to Polk and ask two questions. Are you in favor of the Tariff of '42? Will you, if elected, support that act without change, or would you favor a modification? Polk answered never a word; treated the letter, it was said, with silent contempt, and when at a later meeting the committee so reported it was resolved not to support him.

Clay, on the other hand, was charged with hostility to farmers. His scheme of protection, the ploughmen of Pennsylvania were told, did not include protection to agricultural interests. To put this issue at rest, Clay was asked two questions. In a discriminating revenue tariff laid with a view to protect American industries would you include agricultural as well as manufacturing interests? Would you, if elected, favor a revival of the Bankruptcy Law? † Clay replied that he was surprised at the first question; that he considered agriculture in all its branches as the predominant interest in the United States. The people were so strongly

* "For Heaven's sake let our friend, the Colonel, write nothing more on the subject of the tariff! His letter to Kane was discreet, and we can get along with it very well. Let him stand upon that; and I think he may rely with confidence on the vote of Pennsylvania. I should very much dread the effect of a declaration made under his own hand at the present moment against the Act of 1842." —Buchanan to (name destroyed) September 6, 1844. Buchanan MSS.

† R. S. Caruthers to Clay, August 12, 1844.

opposed to a bankrupt act that he would not wish to see it revived.*

The great mass of Pennsylvania Democrats were not to be persuaded by any such statements. Many a one went to the polls on Election Day convinced that the Act of '42 was the work of his party; that Clay was no friend to protection, and that the welfare of the industries of the Keystone State depended on the election of James K. Polk.

Jackson, in a letter to General Planché, expressed his regret that Van Buren had not come out for immediate annexation. Had he done so he would have received the unanimous vote of the convention, and would have been elected by the South and Southwest by acclamation. As this could not be, then let Polk, Dallas, and Texas be the watchword. With Texas in the hands of Great Britain, or under her influence, the frontier would ever be in constant danger of Indian depredations and the South and West of a servile war. Great Britain would organize an army on the west bank of the Sabine, declare war, and in six days capture Baton Rouge, and having seized all our fortifications, capture New Orleans. Texas was the key to our safety from British influence and British invasion. Take her hand, then, while she held it out and shut the door against all future danger, be the consequences what they might.†

When Jackson was asked for his opinion of the nomination of Polk and Dallas he replied that he was entirely satisfied, and warned his countrymen of the dangers that would surely attend the propositions of Clay to establish another mammoth bank, break down the veto power, distribute the proceeds of public lands, and prevent the annexation of Texas. Clay, said Jackson, is against annexation if a considerable and respectable part of the Confederacy are opposed. Under such conditions, Texas can never be admitted. British influence had considerable and reputable advocates during the Revolution, and during the War of 1812, and the country will never be without them. British influence was

* Clay to R. S. Caruthers, August 20, 1844.

† Jackson to General Planché, June 14, 1844.

opposed to our acquisition of Texas. Texas is independent of Mexico in a double sense—by the power of her arms, and by never having been a part of Mexico. Originally a part of our territory, and knowing that she cannot be happy as a State without the protection of our laws, she wishes to enter our Union. Is it wise to turn a deaf ear to her entreaty because Lord Aberdeen, Lord Brougham, and other British statesmen will not consent? "Shame, shame on such patriotism!" *

Jackson was not the only man who had seized that passage in Clay's Raleigh letter in which he declared that Texas ought not to be acquired "against the wishes of a considerable and respectable portion of the Confederacy." Southern journals cited the remark as a bid for the support of Northern Abolitionists. Against this charge the Tuscaloosa *Monitor* defended him. Clay, the editor asserted, meant not abolitionists, but States. The passage, therefore, should read: "If any considerable and respectable number of States were to assume an attitude threatening the integrity of, or likely to dissolve, the Union, rather than admit Texas, then, with such prospect, annexation ought to be abandoned to preserve the Union." †

A copy of the *Monitor* containing this explanation having been sent to Ashland, Clay replied that the editor had "justly conceived his meaning," and might have stated that when the letter was written Ohio, Vermont, and Massachusetts had declared against annexation, and that the legislature of Georgia had declined to recommend it. The Union, Clay said, is a great political partnership into which no one member should be admitted at the risk of dissolution. Personally he had no objection to the annexation of Texas. But he certainly should object to see the Union dissolved, or even put in jeopardy, for the sake of getting Texas. In South Carolina there was a party bent on breaking up the Union, and for that purpose had used as a pretext the rejection of Tyler's "abominable treaty." In such an event South Carolina, sur-

* Jackson's letter of June 24, 1844. Niles's Register, August 3, 1844, p. 372.
† S. F. Miller to Clay. Niles's Register, August 3, 1844, p. 372.

rounded by slave States, would not suffer. But Kentucky, with Ohio, Indiana, and Illinois facing her, would suffer seriously. To accuse him of courting the Abolitionists was "perfectly absurd." No man in the United States had been half so much abused by them as he had been.*

Even this explanation did not satisfy certain Whigs in the South, and Clay was again questioned by two gentlemen in Alabama. Again he replied that when in his Raleigh letter he used the words, a "considerable and respectable portion of the Confederacy," he did not mean people, but States. Personally he should be glad to see Texas annexed, if it could be done "without dishonor, without war, with the common consent of the Union, on just and fair terms." Slavery, he thought, ought not to enter into the discussion. If he were President, and were brought face to face with the issue of annexation, he should be governed "by the state of fact and the state of public opinion existing at the time," and, above all, by the great duty of preserving the Union entire.†

At this stage of the campaign Tyler gave up all hope, withdrew his name, and addressed a long and peevish letter to the public.

From the opening of the year no little anxiety was caused the Democrats by the growing strength of the Native Americans, and by their fusion with the Whigs in New York and Philadelphia. The formation of the Native American Association of the United States at Washington in 1837 ‡ was followed by the rise of like associations elsewhere. As yet the movement was non-partisan, and the demands an amendment or repeal of the Naturalization Law and restrictions on immigration. Thus, at Germantown, where a meeting of native citizens of all parties formed an association in 1837, the preamble and constitution set forth that the stranger, worn down by oppression at home, was welcome to come and share the blessings of our land. But his claims

* Clay to S. F. Miller, July 1, 1844. Niles's Register, August 3, 1844, p. 372. National Intelligencer, August 8, 1844.

† Clay to Thomas M. Peters and John M. Jackson, July 27, 1844. North Alabamian, August 16, 1844. Niles's Register, August 31, 1844, p. 439.

‡ History of the People of the United States, vol. vi, p. 428.

to vote, to have a voice in legislative halls, and be eligible to office, were vigorously denied. Is it not plain to every reflecting mind, it was asked, that the Naturalization Law is an evil, and should be repealed? Foreign influence, even now by far too powerful in our country, is rapidly growing. The day is near when most of our public offices will be filled by foreigners, and when, instead of governing ourselves, as is our native right, we shall be ruled by men who but a few years ago scarcely knew we existed. Europe is ridding herself of an excess of population that has become burdensome to her. And who does she send us? Her paupers, her criminals, her convicts, the outpourings of her almshouses and her jails. Many who came of their own choice were disgruntled malcontents at home. Greedy of power, ignorant of our customs, caring nothing for our laws, heedless of all civil restraint, they became the spreaders of anarchy, radicalism, and rebellion among our free and happy people. Nothing but a repeal of the Naturalization Law could cure these evils, already become unbearable.

When the Constitutional Convention of Pennsylvania was in session an attempt was made to secure an amendment forbidding foreigners who came to Pennsylvania after July fourth, 1841, to hold any public office in the Commonwealth.

The effect of this widespread hostility to foreign immigrants in 1837 was further shown in the memorials which reached Congress in the early months of 1838. One, sent by six hundred citizens of Sutton and Millville, in Massachusetts, asked Congress to inquire whether there was not a hidden design against the liberties of our country in the great influx of foreigners; whether the morals and social condition of the newcomers did not augur an increase in pauperism and crime; whether there were not in the country those whose allegiance to a foreign despotic prince required them to uphold his interests against ours; whether there was not a foreign conspiracy against our Republic, and whether plans for its execution had not been formed and put in operation.* Another complained that the ease with which foreign-

* Executive Documents, No. 70, 25th Congress, 2d Session, vol. ii.

ers of doubtful morals and hostile political principles acquired the right to vote was a source of real danger to the country. The petitioners saw with great concern the influx of Roman Catholics. To such persons, as men, they had no dislike. To their religion, as a religion, they had no objection. But against their political opinions, interwoven with their religious belief, they asked legislation. They asked whether this union of Church and State, this allegiance to the Pope, did not require legislation; whether there was not in operation under the Leopold Foundation a plan for the overthrow of our civil and religious liberties, and whether this was not to be affected by the emigration of Roman Catholics from Europe, and their admission to our right of suffrage.*

The complaint against the Leopold Foundation was of long standing. In 1828 Frederick Schlegel, one of the greatest of German scholars, the friend and adviser of Metternich and Counsellor of Legation in the Austrian Cabinet, delivered a course of lectures. His purpose was to prove that Protestantism favored democracy, while Catholicism supported monarchy; that the political upheavals from which Europe had so long suffered were the natural outcome of the Reformation; that the great nursery of their destructive principles, the revolutionary school for France, Spain, and all of Europe, was North America, and he left his hearers to infer that democracy should be destroyed in America by founding Roman Catholic missions. When, therefore, at the close of his lectures, the Leopold Foundation was organized in Austria and spread to Hungary, Italy, Piedmont, Savoy, and France, the cry was raised that its object was to build up the power of Rome in the United States by encouraging the emigration of Roman Catholics from Europe, and by establishing missions in the various States.

A memorial from native Americans in New York City made the old complaints of influx of foreigners, paupers, and criminals; the ease with which they became voters, and the

* Memorial from Washington County, New York. Executive Document 154, 25th Congress, 2d Session, vol. vii.

danger to the Republic, and demanded a residence of twenty-one years before naturalization.*

The Germans of Southeastern Missouri met at Cape Girardeau, and appointed a Committee of Vigilance and Correspondence "to watch the proceedings of Native Americans and of Congress," and called on all Germans living in the United States to join in an effort to defeat the aims of the natives.

The memorial which the meeting sent to Congress was referred, with others, to a Select Committee of the House, from which in time came a long report, and a bill to regulate the naturalization of foreigners.† As the House took no action, more petitions were presented. In 1839 citizens of Louisiana complained of the hordes of foreigners, cemented by social, political, and religious ties, who were daily suffered to acquire equal rights, immunities, and privileges with natives; complained of the injustice, the unfairness, of the law that deprived a native-born youth who lacked but one day of being twenty-one, of the right to vote, and gave it to a foreign-born youth the day he became twenty-one, if he happened to have been under eighteen when he came to us, knowing nothing of our laws and institutions; and asked for the entire repeal of all naturalization laws, and for protection from the indiscriminate influx of foreigners. Should the request be denied, they doubted not that erelong, in appealing to some future Congress, they would have to sue at the footstool of those whose feelings, prejudices, and aspirations would be alien to their own. They could not doubt that the mass of foreigners would soon array themselves as a distinct party under foreign leaders.‡

In 1840 petitioners in Illinois declared that the further admission of foreigners to a share in the political rights of natives would be harmful to the interests of the country, and sooner or later ruin republican institutions, and asked for a

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* Executive Document 313, 25th Congress, 2d Session, vol. ix.

† Reports of Committees, Report 1040, 25th Congress, 2d Session, vol. iv.

‡ Petition of Citizens of the State of Louisiana, January 24, 1839. Executive Document No. 162, 25th Congress, 3d Session, vol. iv.

repeal of the naturalization laws. In New York City in 1840 the movement of the Roman Catholics for a share of the public-school money for their parochial schools, and the continued agitation of the school question, led to a demand for an amendment of the State Constitution restricting the franchise. Strong associations of natives now existed in Lexington, in Louisville, in St. Louis, and a well-organized and active party in New Orleans. Against these the Louisville *Advertiser* cried out. The liberty we enjoy, it was said, and for which our fathers fought and bled, was not won by natives alone. We cannot think, therefore, that none but natives should enjoy political rights. With Washington were associated a Lafayette, a Steuben, a Pulaski, a De Kalb. The blood and valor of generous foreigners—French, English, Irish, Scotch, and German—insured the success of the Revolution. This attempt to repeal the naturalization laws shows a contempt for the rights of man. In Missouri the Democrats took up the cause of the naturalized citizen, and the legislature denounced the Native Societies and called on Senators and Representatives in Congress to vote against the bill introduced by Mr. Hand.* In New York City during the spring elections a serious street fight occurred in the Sixth Ward between the Catholics and Orangemen, aided by natives. Many were hurt, several houses were damaged, and the windows of the residence of Archbishop Hughes were broken.† Grateful for the support of the "patented citizens," as the naturalized citizens were called, the chief of Tammany Hall appointed some Irishmen to petty offices. Disgusted at such truckling to foreigners, a few Democratic leaders quit their party and organized the natives. Up to Election Day it was not supposed that a thousand votes would be cast for the Native American ticket. To the surprise, it was said, of the natives themselves, nearly nine thousand votes were polled, and two strong Democratic wards were carried by them. Five-sixths of them were

* Executive Document No. 37, 27th Congress, 2d Session, vol. ii. The resolution was passed February 16, 1841.

† Anti Slavery Standard, April 21, 1842.

given, it was estimated, by Democrats bent on punishing their party.*

When the election of a mayor came on in the spring of 1844, Democrats, Whigs, and Natives placed tickets before the people. But the Whigs, almost in a body, deserted their candidate, fused with the Natives, and twelve aldermen, eleven assistants and a Native mayor were elected by an immense majority.†

In Williamsburg, a town opposite New York, the Natives carried their entire ticket. Meantime the quarrel between them and the adopted citizens had spread to Philadelphia. In 1839 the Democrats nominated for office an Irish citizen named Hugh Clark. Many of the party took offence. Adopted citizens should, it was said, be suffered to vote, but office-holding should be limited to men born on the soil. On Election Day, accordingly, Clark, in the slang of the day, was "spotted," and though every other Democrat on the ticket was elected, he was beaten. The incident was soon forgotten by the Natives, but not by the Irish, who bided their time, and three years later, with Hugh Clark at their head, voted the Whig ticket, and elected Morton McMichael sheriff. Having shown their power, the adopted citizens went back to the Democratic ranks, voted the Democratic ticket in the autumn of 1843, and were thanked for their aid by a leading Democratic newspaper. While rejoicing, said the editor, over the recent election, we must not forget that we owe it to the aid of the naturalized citizens. They had been insulted in the grossest manner in the person of one of their countrymen, Hugh Clark. That they should feel the insult keenly was no more than natural. They believed he was rejected and proscribed because he was an Irishman, and have shown that such insults cannot be given with impunity. We thank our naturalized Irish citizens.‡

Angry at the action of the adopted citizens in Philadelphia, and encouraged by the success of the Natives in New York, the Americans in Philadelphia now began to or-

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* Globe, November 9, 10, 1843. † American Republican, April 26, 1844.
‡ Inquirer, October 12, 1843.

ganize in earnest. Early in December a call was issued, and an American Republican Association formed in the Second Ward of Spring Garden. The movement spread fast; associations were started in Locust, Cedar, and North Mulberry wards, early in 1844, and before the end of March others existed in each of the four wards of Spring Garden, the five of Southwark, the five of Kensington, the four of Moyamensing, in each ward of the city proper, in Manayunk, in Roxborough, in North Penn Township, in Germantown, and in the District of Penn.*

For the time being the Native American movement became an absorbing topic of public discussion, of lectures before the various literary institutes, and of the public debates it was the custom to hold on current issues in the lecture rooms scattered over the city. On one occasion the Rev. Dr. Barnes addressed the Wilbur Fisk Literary Institute on "Popery incompatible with free institutions, and leading to the subversion of American liberty." † On another, "the citizens of the city and county opposed to fanatical persecution, and in favor of the rights of civil and personal freedom secured by our National and State Constitution," ‡ discussed the subject from their point of view. "Are the principles of the American Associations just?" was the question, on another occasion, for discussion in one of the Union Library Company lectures.§ "Ought persons of foreign birth to enjoy the same rights and privileges as natives?" was the theme for a prolonged debate in the lecture room of the Museum on George Street.‖ "Are the doctrines and principles of the Native American party such as should entitle them to the support of the people of the United States?" was next argued with equal warmth.

That nothing which could arouse bad feeling might be

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* Calls for the formation of these ward associations and notices of their meetings were regularly published in the Philadelphia Ledger during December, 1843, and January, February, March, and April, 1844.

† Philadelphia Ledger, December 3, 1844.

‡ Ibid., February 1, 1844.

§ Ibid., February 22, 1844.

‖ Ibid., March 13, 28, 1844, April 4, 1844.

lacking, the old issue of the Bible in the schools had by this time been dragged forth for discussion. As far back as 1834 * the Board of Controllers of the Public Schools noticed that in some schools religious exercises had been introduced, and books of a religious character used which had not been authorized. Believing that such books and exercises had a tendency to produce sectarian influence, the board, accordingly, ordered them to be disused as contrary to law. This rule had never been enforced, and in 1842 the Bishop of Philadelphia complained that Catholic children were forced to read the Protestant version of the Bible, and join in Protestant religious exercises. The board, thereupon, ordered that no child be required to take part in the religious exercises, or listen to the reading of the Bible, whose parents were conscientiously opposed thereto, and that children whose parents preferred any particular version of the Bible, without note or comment, be furnished with the same.†

About a year later, while the Native excitement was rising high, Hugh Clark, a school director in Kensington, visited a girls' grammar school to show it to a friend. There, according to his own account of what happened, when the Bible was about to be read, he saw some of the scholars leave the assembly room and go into a class room. On inquiring the reason he was told that they objected to the version used. Whereupon he said to the woman principal that if the reading of the Bible caused such confusion it ought not to be read. The story as told by a fellow-director was, that he entered the school, peremptorily commanded the principal, Miss Bedford, to stop the practice of reading the Bible, and was told by her that she would give up her place first. This, the director declared, was the work of "Popish influence," and he called on Protestants to resent the attempts "to kick the Bible from the schools."

All Kensington was at once aflame, and notices were posted for a meeting in the Odd Fellows Hall. But such a crowd assembled that the hall could not hold it, and the meeting was held in a Methodist church near by. There it was re-

* December 9, 1834. † Resolution of January 10, 1843.

solved that the rejection of the Bible from the schools would destroy morals, and put us on a level with the age before the Reformation; that Hugh Clark be requested to resign, and that Miss Bedford be thanked for her refusal to exclude the Bible from her school.*

And now the excitement spread to the city. Meetings were held in the State House Yard, to which all were invited who wished to see the Naturalization Law changed, who wished to have the Bible read in the schools, and who were opposed to the rule of foreigners.† The Catholics complained to the Board of Controllers that hymns were sung, and religious exercises held, in the schools in which Catholics could not conscientiously take part; that a sectarian version of the Scriptures was read, and children required to unite in the recital of the Commandments according to a translation not accepted by Catholics, and contrary to their consciences; that the words "without note or comment" in the board's resolution of 1843 shut the Catholic version of the Bible from the schools, and that the resolutions of 1834 and 1843 were not enforced.‡ Bishop Patrick asked that these resolutions be enforced, and the board so ordered.

A few days later, at an election in Spring Garden, the Natives were attacked and driven from the polls by the Irish. The great riot, however, occurred early in May. In the latter part of April an American Republican Association was formed in the Third Ward of Kensington, and the third of May chosen for a mass-meeting on an open lot near the school house at Second and Master streets. The meeting was held, but no sooner had the publisher of the *Native American* taken the platform than a hoard of foreigners with clubs and stones scattered the crowd. Driven from the street, the Natives repaired to the George Fox Temperance Hall, and there adopted resolutions calling on their fellow-citizens at large "to visit with their indignation the outbreak of the vindictive anti-republican spirit manifested by a portion of the alien population of the Third Ward, Kensington," and in-

* Public Ledger, February 29, 1844. † Ibid., March 12, 13, 1844.
‡ Ibid., March 13, 14, 1844. See also Ledger, April 2, 1844.

vited "our fellow-citizens at large to attend the next meeting, to sustain us in the expression of our opinions." *

The next gathering was held on May sixth, in the afternoon. A gust of wind and rain drove the crowd into the Market House. There a fight was started and the disturbance spread to the street, where muskets and guns were discharged from the roofs, windows, and doors of the houses. The Natives replied with stones and bricks, the riot became general, and before they were driven from the ground one was killed, and many seriously wounded.†

News of the fight spread rapidly, and that evening a mass-meeting of Americans in the Assembly Building, on Chestnut Street, resolved that the Native American party would "attend to their graves *en masse* the bodies of those martyrs of republicanism who were slain," by a "band of savage foreigners," and offered a thousand dollars reward for the detection of the murderers.‡

On the following day there was a great mass-meeting in the State House Yard, where speeches were made and resolutions adopted. One declared the attack, by a portion of the Irish inhabitants of Kensington, on a body of American citizens assembled to express their opinions on public issues was proof that the Naturalization Law ought to be repealed, and that foreigners could not understand the spirit of American institutions in the short space of five years. Another asserted that the Bible was a necessary part of instruction in the schools, and that the Natives were determined to keep it there.

After the resolutions were adopted a motion was made that the meeting proceed to Kensington. The presiding officer attempted to prevent its adoption, but it was carried, and a large crowd with a drum, and a soiled and torn flag inscribed "This is the flag that was trampled by Irish Papists," set off for the scene of the late riot. About five o'clock the Natives reached the vacant lot on Master Street, and were about to raise the flag when a volley was fired at

* Philadelphia Ledger, May 4 and 6, 1844.
† Ibid., May 7, 1844.
‡ Ibid.

them from the house of the Hibernia Hose Company. A rush was made for the building; another volley killed one man and wounded six others. But the Natives broke in the door, dragged out the hose carriage, and destroyed it. Firing from house-tops and windows now became general, and toward six o'clock the Natives were driven from the ground. About half-past six a score or so came back fully armed, took position before the Hibernia Hose Company, opened fire, drove their enemies to cover, and set fire to the house next to the Hose Company. Thence the flames spread rapidly till some fifty buildings, including the Market House and the quarters of the Hose Company, were destroyed.

Meantime General Cadwalader, at the request of the sheriff, came on the ground with a small body of militia, and during a few hours the fighting ceased, but not before eight Natives were killed and forty wounded.

During the morning of Wednesday, the eighth of May, quiet reigned in Kensington. A great crowd, however, gathered to view the scene of the fighting, and in it was mingled the reckless, law-defying element from all parts of the city. About noon, a report having spread that the militia were ordered not to fire on the people, the disorderly element broke loose, and a house was set on fire. Flags of red, white and blue rags, sewed, pinned, or tied together, were now hung from the windows in every direction as mute appeals for protection. But the mob was now afoot, houses were searched for arms, and at three o'clock St. Michael's Catholic Church on Second Street was given to the flames. A school-house, called the Nunnery, was next set on fire; a grocery store where the Catholics were said to have bought ammunition was sacked, and the houses of Hugh Clark and his brother were looted. By that time the whole Irish population had fled from their homes with such goods as could be carried away.

After wreaking vengeance in Kensington the mob came back to the city, and gathered before St. Augustine's Church, in Fourth Street, and about ten o'clock that night set it on fire.

The whole city was now in a state of intense excitement.

Councils met, and sat till dawn. The mayor announced a town meeting at the State-House. The sheriff bade the aldermen of each ward and township of the city and county assemble the citizens, and take measures to preserve the peace. The Governor hurried militia from Harrisburg and Lancaster, and ordered out all the troops in the city. The crew of the United States steam frigate *Princeton* was posted in the Girard Bank; the Bishop closed all the Catholic churches in the city; the people volunteered by hundreds to aid the police; the Catholic churches, and all the streets where disturbances had occurred or where it was feared they might occur, were strongly guarded, and business was at a standstill. The arrival at New York of Catholic clergy, and numbers of Irish driven from their homes, created such excitement that a meeting of Native Americans that was to be held in the Park was postponed. A Committee of Natives, sent to Philadelphia to find out the facts, reported that natives had been assailed and murdered while exercising their rights, and were justified in repelling such attacks; but the riots which followed were not the work of Native Americans, and were deplored by all honorable men.

The troops were soon dismissed. The citizens went back to their daily occupations, and some arrests were made, but no convictions followed. The excitement, however, did not go down. During May and June meeting after meeting was held in the woods, and before the State-House, where, on one occasion, twenty thousand people were said to have assembled. The American Republicans issued an address blaming the mayor and the sheriff and the civil authorities, and demanding a searching examination of the riots. The Grand Jury ascribed them to the wretched manner in which the law had been administered by the authorities of the city and State, and to the attempt of a party of citizens to exclude the Bible from the schools.* The Catholic citizens met at the Cathedral, and replied. They denied that the Catholics had sought to exclude the Bible from the schools, and cited the letter of Bishop Patrick. Teachers, they said, used King

* Philadelphia Ledger, June 17, 1844.

James's version, and this led Catholic children to regard as authoritative a version rejected by the Church. In Baltimore the School Directors had provided the Catholic children with the Catholic version. Was it too much to expect the same measure of justice in Philadelphia? They denied that they owed allegiance to any foreign power or potentate. The obedience which, as children of the Church, they yielded to the Chief Bishop had nothing to do with the things of this world. They denied, finally, that the great body of Catholics should be held responsible for the acts of a small band of men because most of them held the Catholic faith.* A Native American meeting at Southwark commended the Grand Jury, censured the School Directors for electing a foreigner Controller of the Public Schools for that district, and demanded his resignation. They were quite able to govern Southwark without the aid of foreigners, and called for the resignation of the Irish commissioner from the First Ward.†

July fourth was made the occasion of the most remarkable parade which, up to that time, had ever been witnessed in Philadelphia. Eight-and-forty American Republican associations, with flags and banners ornamented with inscriptions and allegorical designs, marched through the streets of the city, and in a piece of woods on the outskirts celebrated the day with speeches, fireworks, and the reading of a declaration of Native American principles.

On the evening of the fifth of July rioting began again. During the afternoon a furniture car stopped in front of the Catholic Church of St. Philip de Neri, in Southwark, and the driver was seen to carry a number of muskets into the church. A report spread that the Catholics were arming, a crowd gathered about the church, the sheriff was notified, and General Patterson called on for military aid. On reaching the church the sheriff and two aldermen entered, and soon reported that a dozen muskets had been found. These were delivered to a committee of citizens to carry to the watch-house. The crowd, however, was not satisfied, and

* Philadelphia Ledger, June 22, 1844.

† Ibid., June 26, 1844.

demanded that a search be made by a committee. The sheriff consented, the searchers were chosen, and in the first room entered were two armed guards, and twenty-seven muskets stacked along the wall. Further search revealed eight other armed men, more guns, pistols, cartridges, caps, buckshot, and a keg of powder. The priest stated, truly, that the muskets had been in the building for over a month, and had been obtained by order of the Governor.*

It was now about two o'clock in the morning of Saturday, and the crowd dispersed. By five the people began to assemble again, and at seven the sheriff with his posse cleared the street before the church, and the militia which had come on the scene during the night were stationed so as to command all the streets in the neighborhood. In one of them the mob stoned the troops, whereupon General Cadwalader ordered them to open fire with a small cannon. But Mr. Charles Naylor, one of the posse, instantly ran into the middle of the street and countermanded the order. For this he was arrested, and confined in the church. At midnight, as all seemed quiet, and the troops were withdrawn, save the Mechanic Rifles and the Hibernia Greens, left to guard the church. Early the next day, which was Sunday, the crowd gathered again, demanded the release of Naylor, and when it was refused, broke into St. Philip de Neri and set him free.

Demand was then made that the Hibernia Greens leave the ground. It was granted; but, as they marched away, followed by a jeering crowd, one of them turned, fired, and shot a boy, whereupon they all broke ranks and fled. The report that the Greens had fired on the people produced intense excitement, and the mob again entered the church, but were persuaded by members of the American party to do no injury.

Word of these doings having reached the authorities, the militia was again called out, and as the soldiers forced their way through the crowd they fired two volleys and killed and wounded a number of people. The rioters, having ob-

* Report of Committee of Nineteen. Ledger, July 15, 1844.

tained a cannon and some muskets, came back after dark and fired on the troops. This was promptly returned, and the fight thus begun continued till early in the morning of Monday.

On that day the Commissioners of the District and the aldermen appealed to the authorities to withdraw the troops, and pledged themselves to keep order. Late in the afternoon they were marched away, leaving the church under guard of a strong body of citizens. Meantime the Governor had heard of the riot, and had called out the State troops, which came pouring into the city till some five thousand had arrived. No further rioting followed, and in time they, too, went back to their homes.*

Late in July a Native American meeting in Kensington stated the principles of the party. They were, that natives had the inalienable right to make their own laws; that a residence of twenty-one years should precede naturalization; that none but natives should be put in office; that the rule of any religious sect should be opposed, and the march of exclusive privileges resisted.†

The effect of these riots on the Presidential campaign was widespread. The Indiana State Convention of Democrats complained of the attempt to array the native against the foreign-born voter as springing from the same spirit of federalism that dictated the Alien and Sedition Acts of 1798.

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*Many pamphlets were called forth by these riots. Among them are: The Warning of Thomas Jefferson; or, A Brief Exposition of the Dangers to be Apprehended to our Civil and Religious Liberties from Presbyterianism. By Justus E. Moore. The Crisis, An Appeal to our Countrymen on the Subject of Foreign Influence in the United States, N. Y., 1844. Address of the American Republicans of the City of Philadelphia to the Native and Naturalized Citizens of the United States, 1844. The Origin and Progress of the Native American Party in Politics, etc., by John H. Lee, Philadelphia, 1855, contains a very full account of the Philadelphia riots in 1844. Clay or Polk? by an Adopted Citizen Having Twenty-one Years' Residence in the United States, N. Y., October, 1844. A Brief View of the Origin and Object of the Native American Party, by a Native American. A Defence of our Naturalization Laws with a Friendly Warning to Members of the Native American Party. An Appeal to the Voluntary Citizens of the United States from all Nations, on the Exercise of their Elective Franchise at the Approaching Presidential Election. H. E. Riell, N. Y., 1844.

† Philadelphia Ledger, July 31, 1844, and August 27, 1844.

Every citizen, native or voluntary, was entitled to the enjoyment of the religious, political, and civil rights guaranteed by the Constitution. Democracy knew not, and did not seek to know, such distinctions as native and adopted citizens, but held out the right hand of fellowship to every foreigner who came to our shores.* The Ohio *Statesman* called on all Whigs not to aid or abet the organization of a Native American party.† Polk was denounced because some one asserted that his grandfather had been a rank Tory in 1775. Frelinghuysen was charged with opposing the attempt of Archbishop Hughes to have the literary fund divided between Protestant and Catholic schools; with membership in the Native American Association, and with instigating the Philadelphia riots.‡ The New York *Journal of Commerce* found it necessary to defend Polk against the charge that he was a Catholic; § and Frelinghuysen, in answer to two men who inquired, declared that he had no connection with the Native Americans, had nothing to do with the division of the school funds between Catholics and Protestants in New York, and condemned the violence of the mobs in Philadelphia.‖ At the dedication of a hickory pole in front of the office of the Washington *Globe* one transparency exhibited an Irishman leaning on his spade, another a German emigrant with his plough.¶ An Ithaca newspaper declared that a traveller in Tennessee, in 1836, saw forty-three slaves in manacles being driven to market, each one of them branded J. K. P., and cited Roorbach's "Travels Through the Western and Southern States." The Democrats proved that no one by the name of Roorbach existed; that the forgery was based on Featherstonhaugh's "Excursion Through the Slave States," and Roorbach became a synonym for a political lie.

After the Philadelphia election, in October, was carried by the Natives, the Democrats in several States made earnest appeals to the "voluntary citizens" for support. The Democratic State Convention in Ohio, in a long address, assured

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* Globe, June 28, 1844.
† Ibid.
‡ Albany Journal, July 23, 1844.
§ Globe, June 28, 1844.
‖ Ibid., July 31, 1844.
¶ Ibid., August 27, 1844.

them that their countrymen, looking to this country as an asylum and a refuge from tyranny, were seriously threatened with disfranchisement; cited the successes of the Natives in New York in April, and in Philadelphia in October, as proof that the Whigs were in the movement, and assured them that the only safety of the naturalized citizen was in the Democratic party, which boldly and openly denounced Native Americanism.* The Albany *Argus* † cried out against the union of Whigs and "Church Burners" in Philadelphia, and bade the Democrats be up and doing. Spread the news of this union, said the editor, into every hamlet from Maine to Louisiana. Go among the hundred thousand Germans, and the fifty thousand sons of Ireland in Ohio; go among the Catholics of Maryland, go among the Swiss, Germans, and Irish of Indiana, and tell them of these facts.

In June, Dorr was sentenced to imprisonment for life, and forthwith this incident was seized on by the Democrats for campaign purposes. A meeting in St. Louis, called to consider the illegal imprisonment of Dorr and take such steps as might be necessary to secure his immediate release, resolved that the constitutional guarantee of a Republican form of government to each State was as much the supreme law of the land in Rhode Island as in any other section of the country. When the Constitution of the United States was established, so the meeting resolved, the Rhode Island and Providence Plantation Charter of an English King was abolished, and became void, and Rhode Island had no government, such as the Constitution guarantees, till that set up in 1842 by the energy of Thomas W. Dorr. The establishment of that government was not treason. Dorr had a right to take up arms to put down the government erected by a dead king. His trial was a mockery; his election to the Governorship legal; his imprisonment tyranny, and the gates of the Bastile must be opened and Dorr set free.‡ A meeting in Virginia drank to the toast, "May his prison gates be made to fly open, as did those of the Spanish Inquisition and the

* National Intelligencer, October 29, 1844. † Ibid., October 22, 1844.
‡ Daily Missourian. Globe, September 27, 1844.

French Bastile, by the invincible force of public opinion." * A Tammany Hall meeting declared him to be the "Heritor of the principles, if not of the success, of the patriots of 1776." The *Bay State Democrat* called his imprisonment "the greatest outrage ever committed on our free institutions since their establishment." The Whig party throughout the United States are one, it was charged, with the Algerines of Rhode Island. They say Dorr may come out of prison the moment he will swear to uphold the new Constitution of Rhode Island, and cite the Amnesty bill enacted at the session of the legislature in June. This is false, for the act applies by its own words to cases, and to such only, in which "verdicts have not been rendered." In the cases of Dorr and Luther verdicts have been rendered, and they are thus expressly excluded.†

At this stage of the campaign the wife of Jonathan Cilley died, leaving two orphans under twelve years of age. Cilley had been killed in a duel by W. J. Graves, of Kentucky. Graves headed the Kentucky Whig Electoral ticket, and these facts were now used for campaign purposes. Poor Cilley, it was said, sleeps in his bloody grave, and his wife, broken in health and shattered in mind by the awful blow, has sunk to rest by his side. Clay, the man who penned the peremptory challenge, who was consulted in the proceeding, who gave the police no notice till it was too late, is a candidate for the Presidency of the Republic. And the man who fired the fatal shot heads the Electoral ticket of Clay's own State. The death of Mrs. Cilley at this time strikes the mind like a knell. Shall it not be the death of Clay's political life? Shall that man be raised to the highest political honor in this moral and Christian land?

Clay was now denounced as a duellist, as a profane swearer, as the man who bargained away the Presidency in 1825; as a Native American; as an Algerine, and an enemy of Dorr; as a Janus-faced candidate who advocated free-trade and annexation in the South, and protection and no an-

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* Globe, September 24, 1844.

† Bay State Democrat. Globe, October 19, 1844.

nexation in the North. Against this latter charge Clay again defended himself, and in a public letter declared he was decidedly opposed to immediate annexation. He was against it at that time because it would be dishonorable, might involve us in a war, and would be dangerous to the integrity and harmony of the Union. Even if all these objections were removed, he could not see how annexation could be effected on just and honorable conditions. In his first Alabama letter he said that, personally, he had no objections to annexation. In his second Alabama letter he stated he would be glad to see Texas annexed if it could be done without dishonor, without war, with the consent of the States, and on fair and reasonable terms. To all this he still held, and would not change his opinion so long as any considerable and respectable portion of the Confederacy stood out against annexation.*

That the Democrats were guilty of all the fraud charged against them need not be believed. That the Whigs were guilty of no fraud is far from belief. Yet the fact remains that at none of the fourteen Presidential elections which up to that time had been held in our country was fraud so openly, so generally, so recklessly practised as in 1844. For weeks before the election the courts of New York were kept busy naturalizing foreigners. Twenty-five hundred aliens, it was claimed, were made citizens in New York City, and twenty thousand in the State. The figures need not be accepted as correct. But it is true that large numbers of men fresh from the Old World were made citizens unlawfully. New York City, therefore, where the Whigs and Natives elected a mayor in April, now went Democratic by sixteen hundred. Hundreds of Irishmen were put to work on the canals. St. Lawrence County, accordingly, showed a Democratic increase of over eleven hundred, and Erie County of over thirteen hundred and fifty. Polk's majority over Clay in the whole State was fifty-one hundred. But Birney received fifteen thousand eight hundred votes. In Pennsylvania, Pike County had but eight hundred and forty-eight male

* Clay to Gales and Seaton, September 23, 1844. Globe, October 2, 1844.

inhabitants—old men, young men, and children—in 1840. It now returned nine hundred and twenty votes. Monroe County, with two thousand and thirty-four voters in 1840, had twenty-two hundred and twenty voters in 1844; Tioga, with thirty-three hundred and forty-two males, had thirty-three hundred and sixty-seven voters; and so it was in Perry, Columbia, and Potter counties. In no Whig county in the State did such a condition of affairs exist. At Pittsburg, after the election, twenty-four bills of indictment were found for perjury and subornation of perjury in taking out naturalization papers. In four Democratic counties in Georgia, where the vote should have been about thirty-two hundred, it was fifty-eight hundred. But the great fraud was in the Parish of Plaquemines, on the banks of the Mississippi, below New Orleans. Never before had the combined Whig and Democratic vote in the parish exceeded three hundred and forty. On Election Day, in 1844, however, two steamboats, loaded with voters from New Orleans, went down the river and stopped at several polling places, where the crowd went ashore and raised the vote to twelve hundred and eighty-three, of which but forty-four were Whig. Louisiana in 1840 cast less than nineteen thousand votes. In 1844 more than twenty-six thousand were returned.

These frauds, bold as they were, had no effect on the result which hung on the voting in New York. Till the first Alabama letter was written the chance of Clay's carrying the State was good. Then the defection of antislavery Whigs to the ranks of the Liberty party began, became more general after the second Alabama letter, and from the day he published his letter to Gales and Seaton he had no chance at all. The vote for Birney in New York was fifteen thousand eight hundred and twelve, or more than twice as many as, in 1840, he received in the whole Union. Polk's majority over Clay in New York was five thousand one hundred and fifteen, and the majority of Clay and Birney over Polk, ten thousand six hundred and thirty-two. Had half of this majority, or a little more than one third of Birney's vote, remained with Clay, he would have carried New York and become President of the United States. "We had the Abolitionists in a good

way," wrote Washington Hunt to Thurlow Weed, "but Mr. Clay seems determined they shall not be allowed to vote for him. I believe his letter will lose us more than two hundred votes in this (Niagara) county." "The Abolition vote," Ambrose Spencer, of New York, wrote to Clay, "lost you the election."

The Whig press of New York held a different view. It is a startling fact, said a Buffalo newspaper, that the result in this State has been wrought by aliens naturalized in the City of New York within two years. How could New York give her vote for Polk, twice rejected as Governor by his own State? said the Poughkeepsie *Journal*. Within the last three or four months ten thousand Irish have been put to work on the canals, and twenty thousand naturalized in the State. The victory has been won by an appeal to Europe against America. New York, said the New York *Press*, has gone for Polk, Dallas, free-trade, slavery, and war. The President of the United States has been chosen by foreigners naturalized for the occasion.

The electors of New York, said a Whig journal, have rendered their verdict in favor of Polk, Texas, free-trade, and slavery. The great State of New York has been given to Texas and slavery by the Abolitionists. The cause of human freedom has been sacrificed by its professed friends. The Slavery party owes its triumph to the votes of the Liberty party.*

The Liverpool *Mail* believed the defeat of Clay, by the candidate of "the rabble interest," was due to the false principle on which our Constitution is founded, and which year by year was sinking the Republic deeper in the mire. Every foreigner who landed on our shore could, by a mere declaration, so the *Mail* said, become a free citizen and vote at election. During many years tens of thousands of Irishmen, Germans, Poles, and other foreigners, the greater part in rags, hungry, homeless, ready to work, beg, fight, do anything for a dish of potatoes and a drink of cider, had come to us. These men had at once been turned into electors and had

* Albany Evening Journal, November 9, 1844.

helped, by fraud and force, to carry elections. Native Americans of the more decent class complained of this and lamented it. It was more than lamentable, it was disgraceful, demoralizing.

The Dublin *Freeman's Journal* rejoiced over the defeat of the Native Americans as fortunate, if not providential. The Native Americans, it said, had been signally discomfited; but the Whigs had received the worst defeat that ever befell any party. What made the result most pleasing to the friends of Ireland was, that in Pennsylvania, where the principles and atrocities of the Natives were best known, the candidate of the combined Whigs and Native American party had been beaten by a greater majority than Harrison had received.

There is nothing surprising in the result of the election in the United States, said the London *Spectator*. It is just what has happened at every election since 1800. The Democratic mass has won another victory over the doctrinaires of America. There has always been such a party in the United States. Hamilton was its founder. The two Adamses were its chief ornaments. Under its banner have been the men of means, education, refined tastes. Opposed to this party of men made by the schools and colleges have always been the great Democratic mass, which feels rather than thinks, heeds men, and is led by the exponents and visible symbols of principles.

Of Mr. Polk, said the London *Times*, we know nothing, save that he has won a triumph over the most able and respected men in the Union, a triumph of everything that is worst over everything that is best in the United States of America. It is a victory of the South over the North, of the Slave over the Free, the repudiating over the honest States; the partisans of the annexation of Texas over its opponents; of the adventurous and unscrupulous democracy and the foreign population over the austere and dignified republicanism of New England.

CHAPTER LXXIX.

TEXAS ANNEXED; OREGON REOCCUPIED.

The campaign fought and won, it remained for the leaders of the Democratic party to make good their platform pledge and reannex the Republic of Texas. Tyler was quite ready to do so, and in his message to Congress reminded the Democrats, in no uncertain terms, of the duty that lay before them. Since the last session, Mexico, he said, had threatened to renew the war, had made or was about to make preparation to invade Texas; and had issued proclamations full of threats revolting to humanity. Such a war could not be waged without destroying our peace. It was idle to suppose our people would look on with indifference. Texas had been settled by emigrants from our country, and their friends, relatives, and countrymen would surely take part in the struggle. Mexico had no reason to be displeased with us for negotiating the treaty. Texas was an independent power. Her independence had been recognized by some of the greatest nations on earth. Her government had maintained its independence for years. She was free to take just what course she pleased and had chosen annexation. The treaty, it was true, had failed, chiefly because the question had not been submitted to the people. At the great popular election just ended the question had been presented nakedly to the States and to the people for decision. A controlling majority of the people, and a large majority of the States, had declared for annexation. It was the will of the people and the States that Texas be acquired at once. Tyler therefore asked for the passage of a joint resolution, to take effect when adopted by the government of Texas.

In Great Britain the message caused unusual excitement and was instantly attacked by the press of both parties; the *Morning Post* called it a feeble and ponderous piece of presidential ambition. The *Morning Herald* thought it the longest and worst written that ever had appeared. The *Standard* declared that if ever there was a case which justified European intervention to prevent the oppression of a weak State by a stronger, it was that of Mexico and the United States. The *Globe* found it curious to trace the self-contradictions in this lengthy manifesto of self-aggrandizement. The *Morning Chronicle* observed the moderate tone in which Tyler spoke of Oregon, and the determined manner in which he spoke of Texas. The *Morning Post* attacked the repudiating States, denounced "the savage instinct of possession that seemed to actuate them," declared that while it might be desirable to have commercial dealings with the United States, all other relations were objectionable, and called the Government "a nuisance on the highway of the world."

At home, the House and Senate, admonished to be quick, went promptly to work on the task assigned them.

On December tenth McDuffie led off in the Senate with a joint resolution to annex the Republic of Texas to the United States as one of "their Territories." On the following day Benton introduced a bill to provide for the reannexation of Texas to the United States, as a State, "to be called the State of Texas." There the matter rested till the new year, when Niles, of Connecticut, offered a joint resolution for the admission of Texas into the Union as a State, Foster, of Tennessee, a joint resolution declaring the terms on which Congress would consent to her becoming one of the States, and Haywood, of North Carolina, a bill to provide for the annexation of Texas to the United States and to restore the ancient limits of the Republic. There were then five bills and joint resolutions before the Senate.

But the House had also been busy. So much of the President's message as related to foreign affairs having been referred to the committee on such matters, Ingersoll, the Chairman, on the twelfth of December reported a joint reso-

lution for annexing Texas to the United States. It consisted of eight articles and was based on, and embodied, the rejected treaty with Texas. Just a week later Weller, of Ohio, presented a joint resolution declaring that from and after its passage the territory of the Republic of Texas was annexed to, and made a portion of, the territory of the United States. A motion was at once made to send Weller's resolution to a select committee to report whether Congress had power to annex a foreign, independent nation, and if so by what article of the Constitution that power was given; whether the annexation of Texas would not extend and perpetuate slavery, and if Congress had power over slavery in the States either to perpetuate or abolish it; whether, in case of annexation, the United States would become bound to pay the debts of Texas, fulfil her treaty obligations with foreign powers, and if Mexico would be deprived of her right to reconquer Texas, because we had recognized her independence. This was trifling with the matter and the House refused to appoint a select committee to make such inquiries.

And now the private secretary of the President appeared at the bar with a message. Mexico, Tyler told the House, had replied in extraordinary and highly offensive language to his warning not to meddle with Texas while the question of annexation was pending. She had threatened war, a cruel and barbarous war, to be carried on without regard to age, sex, or condition. For this he might well recommend measures of redress; but he would content himself with urging "prompt and immediate action on the subject of annexation."

The House, however, made no haste, and on the twenty-third of December Stephen A. Douglas, of Illinois, introduced a joint resolution for the reannexation of Texas as part of the old Louisiana purchase, and for the application to it of the compromise line of thirty-six degrees and thirty minutes. On the last day of December Tibbatts, of Kentucky, gave notice that he would ask leave to offer a bill to authorize the people of Texas to form a Constitution and State Government and for the admission of such State into the Union; and a joint resolution pledging protection to

Texas during negotiations. January second, 1845, Belser, of Alabama, asked leave to introduce another providing for the annexation of Texas as a territory under a suitable government, and on the next day the House, in Committee of the Whole, took up the joint resolution from the Committee on Foreign Affairs. But before debate began, Weller moved to strike out all after the enacting clause and insert, instead, the resolution offered by him. Douglas then moved his resolutions as an amendment to the amendment offered by Weller. The issue was now squarely presented; annexation in accordance with the terms of the rejected treaty; annexation as "the Territory of Texas," or reannexation as part of the Louisiana purchase with the compromise line of thirty-six-thirty drawn across the territory.

Debate then began, and as it ran along from day to day more bills and more joint resolutions were offered, till the number was thirteen.

At last, on the twenty-first of January, the committee ordered that debate should close at two o'clock on the afternoon of the twenty-fifth. Promptly at two o'clock on the appointed day the Chairman declared all debate ended and the committee proceeded to vote. The pending question was on the amendment of Douglas to the amendment of Weller. This was rejected. The question then recurring to the amendment of Weller, a number of others were presented and rejected, one by one, till Brown, of Tennessee, offered his, which was intended as a substitute for that of Weller. It declared that if the people dwelling on the territory rightfully belonging to Texas, adopted a constitution Republican in form, and, with the consent of the existing Government, formed a new State to be called the State of Texas, Congress would admit it into the Union on three conditions. The first was, that the Constitution, and evidence of its adoption by the people, should be submitted to Congress on or before the first day of January, 1846, and that boundary disputes with other nations should be settled by the United States. The second was, that Texas should cede to the United States all public buildings, forts, harbors, magazines, navy yards, and armaments; that she should keep all public funds, debts

and taxes, and all vacant and unappropriated lands, and that her debts and liabilities should never become a charge on the Government of the United States. The third was, that new States, not more than four in number besides Texas, might be formed from her territory and admitted into the Union. Such of them as might lie south of the line thirty-six-thirty should be admitted with or without slavery as the people of each State might decide. Douglas asked Brown to add that in the States north of the compromise line slavery should be forbidden. This modification was accepted, and by a vote of one hundred and nine to ninety-nine the amendment was substituted for that of Weller. The amendment as amended was then agreed to by one hundred and ten yeas to ninety-three nays. The committee then rose and reported the resolution as amended, the House concurred, the bill was ordered engrossed for a third reading, and then passed by one hundred and twenty yeas to ninety-eight nays.

This ended the first step toward actual annexation, and the joint resolution of Brown went to the Senate as the plan approved by the House. Once before the Senate it was referred to the Committee on Foreign Relations, which reported adversely and recommended that it be rejected and all bills, resolutions, and petitions, both for and against annexation, be laid on the table. But the joint resolution was taken up and an amendment, offered by Walker, of Mississippi, was added. It provided that if the President, instead of submitting the joint resolution to Texas, thought it wiser to negotiate, then a State with suitable extent and boundary should be formed out of the Republic of Texas, and when the terms of admission had been agreed on, and the vacant lands had been ceded, the new State should be admitted into the Union without further action.

The joint resolution thus amended went back to the House, where attempts were made to prevent a vote by points of order, appeals from the decisions of the Chair, calls for the yeas and nays, motions to adjourn, to take a recess, to table the motion, to commit the resolution, to go into the Committee of the Whole, and by offering amendment after amendment and demanding the yeas and nays on each; but

all in vain. The amendment of the Senate was finally concurred in by one hundred and thirty-two yeas to seventy-six nays, and March first the joint resolution was signed by the President.

In the course of the debates in the House and in the Senate members were parted into two great classes—those who demanded annexation or reannexation, and those who opposed it. Annexationists were divided into those who insisted on annexation by treaty, those who favored a joint resolution, those who wished Texas to enter the Union at once as a State, and those who held she should be acquired as a territory. Opponents of annexation were of four classes—those who declared that to annex a foreign State was unconstitutional, those who held that to annex by joint resolution was unconstitutional, those who were opposed to any further acquisition of territory, and those who were troubled by scruples as to slavery.

The Constitution, said those who supported acquisition by joint resolution, declares that new States may be admitted into this Union. This is clear, precise, explicit. The Constitution does not explicitly state that the treaty-making power may admit new States into this Union. Joint resolution, which calls for the action of Congress, and not a treaty which requires but the assent of the Senate, is the proper method of annexation. Power to admit new States means any kind of States, whether carved from territory belonging to the Union, or composed of territory without the Union. Congress has again and again so understood this power. Were not Vermont, and Rhode Island, and North Carolina, out of the Union after the Constitution was adopted by eleven States in 1788? Were they not out when Washington was inaugurated in 1789, and were they not afterward admitted? This refutes the argument that power to admit new States means new States made from the then territory of the United States. Nay more, Louisiana, and Arkansas, and Missouri were part of the Louisiana purchase and are now States in the Union. So was Texas part of the Louisiana purchase, and if it were lawful to admit Louisiana, a part of the Louisiana purchase, is it unlawful to admit Texas, also a part

of the purchase, because she was unlawfully ceded to Spain in 1819? The treaty of 1803 expressly provides that "the inhabitants of the ceded territory shall be incorporated into the Union of the United States and admitted as soon as possible according to the principles of the Federal Constitution." Under this stipulation Texas had a right, the moment her population justified her, to demand admission as a State. Ere that time came we severed the ties of kindred and of blood, we trampled in the dust our plighted word, and the solemn obligation of the treaty, and sold to a tyrant and a despot one of our own family we were bound to protect. But the people of Texas never assented to the shameful treaty of 1819, never assented to their sale to Spain. Whatever title we may have lost by that bargain the rights of Texas are unimpaired. She still has her right to enter our Union.

Those who maintained that Texas should be acquired by treaty argued that annexation required the assent of Texas. Now the assent, it was said, whatever shape it takes, is a contract or agreement. Agreements between two nations are treaties, and nothing but treaties, and in our country the treaty-making power is expressly vested in the President and two-thirds of the Senate.

Let the purpose of the treaty be what it may, let it be for annexation or reannexation, let it be with a nation across the seas or at our very doors, the power to make it is not even in part vested in the legislature. Any attempt by the legislature to come to an agreement with Texas for her admission into the Union is a usurpation. A joint resolution to accomplish the end is a substitution of an intrusive agency, of a majority of the House and a majority of the Senate for the constitutional requirement of the President and two thirds of the Senate. If this scheme of annexation be within the range of possibility, it must be perfected by treaty and by treaty alone. A statute is a creature of the legislature, an act which begins and ends with ourselves. A compact with a foreign nation is an act of the President and Senate, an act which connects the nation with foreign nations and determines to what extent and with what limi-

tations that connection shall prevail. The legislative functions of Congress begin and end with our domestic concerns, and reach not one inch beyond our established boundaries. Yet here is a plain, naked proposition to enter into a compact with a foreign country called Texas—a proposition, moreover, which has already been submitted to the Senate as a treaty and rejected. This cannot be done by resolution. If any one thing be clear, in the distribution of powers contained in the Constitution, it is, that the House of Representatives has no authority whatever to make a treaty, compact, bargain, settlement, call it what you will, with any foreign power.

Advocates of the acquisition of Texas as territory cited two clauses of the Constitution. "New States may be admitted by the Congress into this Union," and Congress shall have power "to make all laws which shall be necessary and proper for carrying into execution the foregoing powers, and all other powers vested by this Constitution in the Government of the United States."

When the Convention of 1787, it was said, was framing the Constitution, an attempt was made to limit the admission of new States to such as might be formed from territory then within the bounds of the United States, and to require the consent of two thirds of the members present when a vote on admission was taken. The proposition failed, and the clause, that Congress may admit new States, was adopted. From this it follows that Congress may admit new States whether within or without the original territory of the United States. This view is still further supported by the purchase of Louisiana and Florida, and the admission of Louisiana, Missouri, and Arkansas into this Union. This establishes the doctrines that foreign territory may be annexed, organized into Territories and States, and the States admitted on the same footing as the original thirteen. But may a foreign territory be annexed in order to be made into States? The Constitution says, the Congress may admit "new States," and that it may "make all laws which shall be necessary and proper for carrying into execution the foregoing powers," Congress wishes to admit Texas as a new

State. It cannot do this without first acquiring the territory. Annexation is not only necessary and proper, but indispensable to admission. It may be said that all increase of territory must be made by treaty. Not so. The Constitution does not say the President and Senate, the treaty-making power, may admit new States. But it does say that Congress may admit new States, and that Congress may do whatever is necessary and proper to admit new States, and if annexation of new territory is necessary to the admission of a new State, Congress may annex that territory.

The treaty-making power is competent to secure our title to Texas. But that authority alone cannot bring Texas into the Union. The title deed procured, its power ends. The law-making power, Congress, must then act and make "needful rules and regulations" for Texas as part of our territory, enact a law authorizing the President to take possession of the country, give it a code of laws, and extend over it the jurisdiction of the United States. This was the procedure when Louisiana and Florida were annexed, and this must be the procedure now, or Texas cannot, in fact, form a part of the United States. Once acquired in this way, Congress would have power to admit Texas when it pleased. In all our past history no new State has been admitted that was not formed by citizens of the United States. How will it be with Texas? It will be formed under the laws of Texas. Her constitution will be framed and adopted by citizens of Texas, by aliens to the United States. If foreign territory can be acquired for the purpose of incorporation into the Union, and to be made into a State, it must first be acquired by the treaty-making power, and then, by the legislative power, by act or resolution of Congress, admitted as a State.

The Constitution again requires that each member of the House must have been seven years, and each Senator nine years, a citizen of the United States. Admit Texas as a State and who will represent her? We are told that she could surely find among her people men who, before emigration, had been seven or nine years citizens of the United States. Such a quibble is not worthy of a country court lawyer. When the Constitution requires a qualification for

office there is, there can be, no exception, express or implied, from its operation.

The expediency of annexation was justified by many arguments. Rejection of Texas, it was said, will be the ruin of the North Atlantic States, of New England, of the whole manufacturing community. What has made New England so rich and prosperous? That protective policy which has made the raw products of the South tributary to the North, which has put the carrying trade between the different sections in the hands of the North. New England has no staples. Her scanty supply of grain does not suffice to feed her people. Her hats, shoes, brooms, cloth are not wanted in Europe. Yet she is rich in commerce, tonnage, manufactures, because she monopolizes the entire navigation between the States of the Republic. No competition is allowed. Is she prepared to give up all this? Let England come into the markets of this country with articles duty free, and what would be the condition of New York, Pennsylvania, New Jersey, and Delaware? Now, if Texas be not annexed, England will come into the market west of the mountains with articles. England will guarantee the independence of Texas, and Texas will admit her articles duty free, and the manufacturers of iron, cotton, wool, shoes, hats, furniture, will not only lose the markets of Texas, but of the entire West. The cotton of Texas will go duty free to England, while that from the South will pay a duty of seventeen per cent. The cotton of Arkansas and Mississippi, the lead and copper of Missouri, the meats of the Ohio States, will go duty free to Texas to be exported in British ships, and what then will happen to New England shipping? In return will come the products of England, duty free to Texas, to be spread over all the Southwest.

But the South also needs Texas. Her black population is increasing at the rate of four per cent a year. Her territory is limited in extent, and if certain gentlemen could have their way it would be confined to these limits for all time to come. If the population of the United States in fifty years has risen from three to twenty millions, how long will it be before the black population of the South experiences a like

increase? What then will be the condition of the whites with an increasing black population and no chance for emigration? On a soil that must soon become exhausted, with a growing black population, idle because there are more hands than work, vicious because idle, excited by Northern doctrines that lead to revolt and murder, what calamity more awful could fall on the South? Yet this is the state of things the Tibbatts Abolitionists desire, and to produce them they oppose annexation.

Nor is Texas less important from a military point of view. Situated in the great valley of the Mississippi, commanding a large seacoast on the Gulf, lying in the very waters that wash the base of the great commercial emporium of the West, Texas, in the hands of a foreign foe, would be dangerous.

Once on her soil, an army could reach New Orleans before troops could be gathered to defend Tennessee. Suppose England, that grasping power which claims the earth as her heritage, in possession of Oregon and in firm alliance with Texas, and then suppose her at war with us, and you will have some idea of the importance of Texas as security against invasion. Look at the map of North America and you cannot fail to see that she is a part of the great Western valley, that a natural boundary between two nations seems to have been fixed by the hand of the Almighty. When He traced the course of the Rio Grande, flung out the mountains and spread the treeless desert beyond that river, He made a line of separation between two distinct nations.

The ability of Texas to injure us when she becomes, as she will become, a powerful empire is truly formidable. But let her unite with Great Britain and what will be our position? Look at the possessions of Great Britain near and on the Gulf of Mexico. She has the Bahamas on the path along Florida to the Gulf. She has the Bermudas for watch, attack, retreat. She has Jamaica commanding the western pass around the key of the Gulf. She has Honduras which overlooks the Caribbean Sea, and she has the islands which block the entrance to that sea. Give her a naval and military resting spot in Texas and you are at her feet.

The enemies of annexation denied, in the first place, that Texas could be admitted by joint resolution. The Constitution provided a treaty-making power, and as long as that power existed the House had no authority to enter into any compacts with foreign nations. The House might be called on to carry out treaties by voting appropriations of money, but the Senate alone could give advice and consent to compacts and treaties.

They denied, in the second place, that Texas could be admitted by treaty. Until the people amended the Constitution and gave the treaty-making power authority, no foreign country could be annexed to ours. The Constitution of the United States was made for the territory then comprised in the United States. It was never the intention of the framers of the Constitution to admit new States formed out of new territory not included in the original limits of the United States. New States may be admitted by the Congress into this Union, meant States newly made from this original territory, and no others. When Louisiana was purchased did not Mr. Jefferson admit that the act was not constitutional? Did he not wish for an amendment to justify the act?

It was denied, in the third place, that the election had settled the question of annexation.

We are told that the people have passed on the question of annexation, and declared in its favor. We deny that the people have any power to influence legislatures, save through the election of Representatives, and we deny that the verdict has been in favor of Texas. It was true that the Democratic platform called for the reannexation of Texas. It was true that Mr. Polk had a popular majority over Mr. Clay of thirty-eight thousand votes. It was true that if the people of South Carolina had voted the majority would probably have been sixty-three thousand. But the Liberty party vote, the Abolition anti-Texas vote, was sixty-five thousand, which, added to that of the Whigs, left a clear anti-Texas majority of two thousand. Does that look like a Texas verdict by the people? Take New York State. The anti-Texas Abolition vote was over fifteen thousand. Had these voters supported

Mr. Clay, and on every principle of reason and philanthropy they should have supported him, he would have carried New York, and Mr. Clay, not Mr. Polk, would then have been the next President. Does that look like a popular verdict for annexation? Take Pennsylvania. Was Texas, was annexation, immediate, unconditional, made the issue there? Here and there you might indeed see a banner inscribed "Polk, Dallas, Texas, and Oregon." But "Polk, Dallas, and the Tariff of '42," "Polk, Dallas, and no United States Bank," were the real issues presented by the party. And are votes thus fraudulently obtained to be placed to the account to annexation? No, Pennsylvania is not in favor of annexation. Present to her people the naked question, lay before them all its consequences, extension of slavery, preponderance of the anti-tariff power, assumption of an undefined foreign debt, the adoption of a foreign war, and there will not be a "corporal's guard" in its favor.

Annexation, it was asserted, meant a war with Mexico. How could it be otherwise? War existed between Mexico and Texas; whether fiercely or sluggishly carried on was not the question. War existed, and whatever its character, it went with the soil and its inhabitants no matter what the color of the flag under which the people marched to battle. A mere change of flags did not turn an enemy of Mexico into a friend. If Texas became a part of the United States she still kept alive the war and the whole United States became involved in it. Congress had no right to expose the lives and property of the people in such a quarrel.

Annexation, again, meant a widening of the area of slavery. Nay, it would be a direct violation of the law forbidding the introduction of slaves into the United States, for it would add twenty-five thousand to the millions already on our soil. The proposition of Douglas to restrict slavery to the region south of thirty-six-thirty had but the semblance of fairness. Texas claimed as far north as forty-two degrees; but her territory north of thirty-six-thirty was but a narrow strip containing sixty thousand square miles, and most of it mountainous. This would not make more than one good-sized State, while the area to be devoted to slavery was four times

as large as Illinois and six times as large as Indiana. Can the South in fairness demand this? Can it, in justice, ask us to admit into the Union more slave soil for the avowed purpose of making more slave States and strengthening the interests of slavery? Twice has our area been enlarged, and each time under the administration of Southern men. From the soil so acquired three slave States, but not one free State, have been formed. Iowa, it is true, is seeking admission; but she is more than offset by the proposition to divide Florida, and form out of her two slave States.

As the debate went on the public interest rose higher and higher. At the outset the *National Intelligencer* was sure nothing could be done by the expiring Congress. The Charleston *Mercury* could see no signs of definite action. Most of the Democrats seemed indifferent. Mr. McDuffie's bill could not pass the Senate. Mr. Benton's would never be accepted by Texas, and events might happen after the session which would make her adverse to annexation. The prize might therefore be lost unless Polk was bold enough to risk an extra session. Would he risk it? That was a question nobody could answer but himself.

Late in December the Democratic members met in caucus and appointed a committee to report such a measure as should unite all factions. The Richmond *Enquirer* expected nothing from this. Some bill would pass the House, but it had no hope that the Senate would support annexation. The *Globe* urged immediate action, such as Jackson advised, to prevent Great Britain acquiring Texas. Later it abused the Senate for its inaction, and called for haste lest Mexico should strike a blow before annexation.

As the question became less a party and more a sectional issue, when Southern Whigs began to favor and Northern Democrats to resist annexation, belief that Congress would not act changed to certainty that it would, and when the House adopted the joint resolution of Brown, a Whig member from Tennessee, all interest and hope centered in the Senate. To that august body, said the *National Intelligencer*, is now presented the question, whether it will suffer its constitutional rights to be stricken down, the public peace to

be destroyed, and the Union—this happy Union of the old thirteen States and their offspring—to be rent asunder and members of the same family to become aliens and strangers. At Detroit a petition praying for the annexation of Canada was circulated. The addition of Texas to the South, it was said, demanded a like addition to the North to preserve the just balance of the Union. This, like the other, would be a reannexation, for Canada and the United States were once part of the same empire. Indeed, in the old articles of Confederation provision was made for the admission of Canada into the Union. Her acquisition would be a wise move, for it would enlarge the area of freedom, give Canada what she did not possess—a free government, prevent smuggling, open a market to our manufacturers, and be less hurtful to the cotton-growing States than the annexation of Texas. The United States had many times attempted to conquer Canada. She did so in the War for Independence when our troops took Montreal and Montgomery fell before Quebec. She did so when Scott fought at Lundy's Lane and Chippewa, when Pike fell at York, and when Harrison conquered at the Thames.

A convention of delegates from towns and cities in Massachusetts held in Faneuil Hall, issued a long address to the people of the whole country, and declared annexation unconstitutional and calculated to uphold the interests of slavery, and secure for it permanent duration.

Governors and States expressed their opinions. "That the political sensibility of the United States should hang a point of honor" on the claims of Mexico to Texas, and thereby throw away an empire, seemed to the Governor of South Carolina "romantic if not ridiculous." Russia was pushing her dominion into the rugged steppes of Tartary; France was shedding oceans of blood to get a foothold on the sterile coast of Africa; England with rapacious greed was despoiling eastern princes of province after province; and had even accepted a kingdom on the Mosquito Coast as a legacy from a barbarian chief. That the United States, in the face of all this, should, from mere delicacy, refuse to accept three hundred thousand square miles of territory

offered to her by its people, seemed to the Governor "absolutely Quixotic." *

On the consummation of the threatened measure, said the Governor of Vermont, I do not hesitate to say that it would be the duty of Vermont to declare her unalterable determination to have no connection with the new Union thus formed without her consent and against her will. This would not be a dissolution of the Union, but a refusal to submit to dissolution; not nullification, but resistance to nullification; for annexation was unconstitutional.†

Governor Wright, of New York, to the bitter disappointment of the Democrats, made no allusion to Texas. Governor Porter, of Pennsylvania, and Governor Thomas, of Maryland, were heartily in favor of annexation, and the Governor of Ohio as heartily opposed. Ere the joint resolution passed, Maine, New Hampshire, Illinois, Michigan, Missouri, Alabama, and Louisiana sent resolutions to Congress in support of annexation, and Vermont, Massachusetts, New Jersey, and Ohio against it.

On the first of March Tyler signed the resolution, and on the afternoon of the third a special messenger hurried from Washington bound for Nashville with despatch for Andrew Jackson Donelson, our *chargé d'affaires* to Texas. A letter from Calhoun informed him that the President had chosen to act under the House resolution, rather than the Senate amendment, and bade him go at once to Texas.

On the fourth of March Polk was duly inaugurated. To the crowd which, in the midst of a pouring rain, stood before the Capitol to see him take the oath of office and listen to his inaugural speech he had much to say. But the part of his address which was read with deepest interest at home and abroad was that which dealt with Texas and Oregon.

Texas, he said, has once been a part of our country, had been unwisely ceded, was now independent, had an undoubted right to dispose of her territory and merge her sovereignty

* Message of Governor Hammond of South Carolina, Niles's Register, December 14, 1844, p. 228.

† Message of Governor Slade, Niles's Register, December 7, 1844, p. 245.

in ours, and consent was all that was needed to make her one of the United States. Foreign nations had nothing to do with the matter. The question of annexation belonged exclusively to Texas and the United States. Each was independent, and foreign nations had no right to meddle, or take any exception to their reunion. He should therefore, by all constitutional, honorable, and proper means, seek to carry out the expressed will of the people at the earliest possible moment.

Nor should it be less a duty to assert and maintain our right to that part of our territory which lay beyond the Rocky Mountains. Our title to the Oregon country was clear and unquestionable; our people were preparing to perfect that title by occupation, and the jurisdiction of our laws and the benefits of our institutions should be spread over them in the far-away region they had chosen for their homes.

On the fifth of March the Senate confirmed the nomination of James Buchanan to be Secretary of State; of Robert J. Walker to be Secretary of the Treasury; of William Marcy to be Secretary of War; of Cave Johnson to be Postmaster-General, and of John Y. Mason to be Attorney-General. A few days later George Bancroft was appointed Secretary of the Navy, and the Cabinet was complete.

Newspapers containing the inaugural speech were by that time on their way to England, where the remarks on Oregon stirred the anger of the British press. Those upholding the Ministry insisted that the British claim was quite as good as the American, and that no matter how much Jonathan might bluster, have the country he should not without a fight. The *Times* declared that in spite of the President's marauders, and despite what he called constitutional rights, the territory of Oregon should never be wrested from the British Crown but by war. On the night of April fourth Lord Clarendon brought up the subject in the House of Lords, referred to the extraordinary terms in which Polk had asserted the right of the United States to the whole of Oregon, and expressed the hope that while whatever could be justly claimed would be readily conceded, the Government would not shrink from vindicating British honor and British rights.

Lord Aberdeen replied: Could he follow his own inclination he would at once lay on the table every word of the negotiation from the treaty of Washington to the present time; but to do so just then would be improper and impolite. As to the inaugural speech of the President, his lordship pointed out that it was not an address to Congress but a speech to the public. It did not have the importance of a public document, nor could it be considered a part of legislative proceedings. The new President when he spoke had no ministry, and no communication had taken place between her Majesty's ministers and the Government of the United States since the close of Mr. Tyler's term. In the month of December the Senate had requested Mr. Tyler to inform it of the progress of the Oregon negotiation. He answered, late in February, that considerable progress had been made, that the discussion had been carried on in a friendly spirit, and that there was every reason to hope that it would soon be brought to a close. This was all the Government of her Majesty could recognize as official. Her Majesty's ministers would continue to avail themselves of every opportunity to bring the negotiation to an amicable close. War was the greatest crime, if not the greatest folly, of which a nation could be guilty, if lightly entered into, yet war was sometimes lawful. It was the duty, as it was the inclination, of her Majesty's ministers to preserve peace; but there were limits which must not be passed. He hoped to see the Oregon question brought to a satisfactory and amicable conclusion. Should it be otherwise, he could only say that England possessed rights, clear and unquestionable rights, which, by the blessing of God and the help of the Parliament, he was fully prepared to maintain.

In the House of Commons Lord John Russell called attention to the words of the President. It was not his intention to question the foreign policy of the Government or even their policy in the Oregon issue. But the speech of the President had taken that question out of the ordinary course of diplomatic arrangement, and required some notice. "Our title to the Oregon Country," the President had said, "is clear and unquestionable." There were three ways by which title to a country like Oregon might be acquired—by ancient discovery,

by treaty, by occupation and settlement. If title to Oregon rested on ancient discovery, England could put forward one far superior to that of the United States. If on treaty, England had a title that was undeniable, while the United States had none on which she could stand. If on modern discovery, the exploration of the Columbia made, carried on, and authorized by regular officers of the British Government gave a title the American Government could not displace. If on settlement and occupation, the settlement of the territory surrounding Oregon by British subjects and the erection of eighteen forts on the Columbia, gave England a title with which no claim of the United States could compare. He had heard the remark that who owned it was a matter of indifference to Great Britain. But it was not a matter of indifference that she should surrender any portion of her possessions to a blustering announcement. It was not a matter of indifference that communication between the Columbia and China and India should be surrendered to a foreign power. It was not a matter of indifference that the tone and character of England should be lowered in any transaction carried on with the United States.

Sir Robert Peel agreed with Lord John Russell that the question had been withdrawn from the cognizance of those to whom it was intrusted; that a popular appeal had been made to the passions of the people of the United States, and had been made by one who should in every possible way have discountenanced such an appeal. He deeply regretted that while negotiations were still pending the President should, contrary to all usage, have referred to other contingencies than a friendly termination. He regretted the tone and the temper in which it was made. But he would say that England had a right to Oregon clear and unquestionable, and that, having exhausted every effort to obtain it, if British rights were invaded he was ready and resolved to maintain them. Great cheering from all parts of the House followed this statement, and with them the subject was dropped.

The President and the Ministry having thus hurled defiance at each other, the British press took up the issue anew. The London *Times* was proud that on the Oregon question

the Government had shown its moderation and its firmness. It could not but deplore the ill-regulated, overbearing, aggressive spirit of the American Democracy, which could not let the question rest another half century. But since the Americans could not wait, since they had rejected the proposal of arbitration, they should be told, plainly told, that their pretensions, if acted on, amounted to the clearest *casus belli* which has ever yet arisen between Great Britain and the United States. Wilmer and Smith's *Times* remarked that certain animals could be led, not driven, and that Bull was one of them. In his intercourse with foreign nations he prided himself on his courtesy, and expected the same in return. The new President's peremptory style had stirred up Bull's bile. The European *Times* observed that Oregon was the last matter regarded in the controversy. It was the manner, not the matter in dispute, that was offensive. A conflict between the two countries would inflict deadly injuries on both; but England would suffer most, for her manufacturing population would become paupers by cutting off the cotton supply, while the commerce of America would be swept from the ocean.

That war was at hand was firmly believed in England. Rumor had it that Sir Robert Peel was for pacification with Ireland that he might turn his attention to America; that he had stopped the packet ships that he might send instructions; that the Earl of Cathcart had been commissioned to command the forces in America; that two companies of artillery had been hurried to Canada; that more troops were to follow; that a man-of-war had been sent to the Columbia; and that war clauses were being inserted in the English policies of insurance. After most of these rumors were found to be untrue, the war feeling subsided, and by the middle of May an English journal could say that a war party, properly so called, did not exist. The mooted point, Oregon, was generally not believed to be worth fighting about. The sentiment, it was explained, which pervaded all classes in England and united them as one man sprang, not from the value of Oregon, but from the arrogant, overbearing, bullying style with which the American claim was asserted. The country felt in-

sulted by the new President. He had so precipitated matters that the question must be settled then. Oregon might well have been left in abeyance for another quarter of a century as it had been during the last quarter. Every year would have increased the means of American resistance, for the tide of emigration had set strongly toward Oregon, settlers were pouring in, and a few years hence it would have been peopled with an Anglo-American race able to hold it against all intruders. This advantage Mr. Polk, by his bungling, had thrown away, and nothing remained but concessions by each party, or appeal to force. If the latter, Mr. Polk had chosen a bad time, for never was England in better trim. She was at peace with all the world: Her Indian empire was consolidated; her Chinese colonies were quiet; her steamers swept every sea; her means of transporting troops were perfect, and never had a question been presented on which her people would fight with less diversity of opinion and with more heart and soul.

In France the journal that expressed the sentiments of the King declared, in plain language, that the claim of the United States to the whole of Oregon was extravagant and unreasonable, and hinted that in case of war the sympathy, if not the actual interference, of France would be on the side of England. The organ of Guizot called the pretensions of Mr. Polk arrogant. The organ of Thiers leaned toward the United States. The conservative press did not believe the demands of the United States could be sustained.*

While the excitement aroused by the words of Polk was rising high at home and abroad another body of emigrants was on its way over the plains to Oregon. The throng which gathered about Independence in the spring of 1845 was thus described by one who saw it. Even as we write, says he, we see a long train of wagons coming through our streets. As they go they are hailed with joyous shouts of welcome by their fellow-travellers. Looking out at the passing train we see, among the foremost, a comfortable covered wagon with one of its sheets so drawn aside as to reveal a quiet-looking

* Niles's Register, June 14, 1845, p. 239.

woman seated inside, and sewing. The bottom of the wagon is carpeted; at one end is a bureau and mirror; near by are three chairs, and hanging along the sides are articles of ornament and use. Then come team after team, each drawn by six or eight stout oxen driven by stout sons of Anak, not one of them under six feet two in his stockings. We are in a perfect Oregon fever. Then come stock of every description—negroes, horses, mules, cows, oxen, and there seems to be no end of them. Not less than two or three thousand people are gathered at this point, ready to set off over the broad prairie about May tenth.* A train of two hundred wagons left our town on Tuesday and Wednesday last, bound for Oregon. Yesterday twenty-eight passed this town. They came from about Fort Madison, Iowa. Two hundred more have crossed the Missouri at St. Joseph and fifty are said to be crossing at the Lower Ferry. May fourth, the advance guard set off from Independence in four companies. Men and boys numbered four hundred and two; women and girls, three hundred and thirty-four; the wagons one hundred and sixty-five, and the horses, mules, oxen, and cattle over three thousand. One who met the great body of emigrants after they had set out on their long journey declares that the trail from fifteen miles beyond the Big Blue to the State line was crowded with emigrants, and that he passed five hundred wagons and the usual proportion of men, women, children, and cattle.

Nor was his statement overwrought. A letter from one of the company, then encamped on the bank of the Platte River, states that the party consisted of five hundred wagons, of between six and seven thousand emigrants, and some ten thousand cattle. When the teams, horses, ponies, mules, cattle, and wagons were stretched in marching order on the prairie the procession was three miles long.

A correspondent of the New York *Gazette*, writing from Colonel Kearny's camp, three hundred and forty-five miles from Fort Leavenworth, says: We have found the emigrants exceedingly numerous. They are in caravans of from forty

* Expositor, May 3, 1845. Niles's Register, May 30, 1845, p. 203.

to sixty wagons; have organized wisely, submit to their laws, forbid the sale of whiskey, behave quietly, dress neatly, and have sensible views of what is before them. These wagons are fitted up to be secure from weather, and in them are women knitting and sewing as if in the farm-houses they have left behind. You find usually six to eight oxen to each wagon, and plenty of livestock driven on the hoof. One party of forty-six wagons had a thousand head of cattle; another had over nine hundred.

To many in the East, to whom Oregon was a worthless country, these people seemed a pack of fools. The mania, said the New York *Courier,* when commenting on Greenhow's Oregon, which is impelling so many of our people to quit the better climate, richer soil, and fairer regions of the East, to seek a fortune in Oregon, would be checked if the truth could be generally known concerning that country. It may be described, said the writer, as forming three valleys, parallel more or less to the Pacific coast and the Rocky Mountains. The first valley lies between the Pacific and what Greenhow calls the Far West Mountains. Not more than one-eighth of the surface is fit for cultivation. The summers are hot and dry. From November to April there is constant rain. Indian corn cannot be raised there. Wheat, oats, and potatoes do well.

The second valley, the same authority continues, lies between the Far West and the Blue Mountains. The soil is a yellow, sandy clay. No timber grows on it, but it is covered with prickly pears. As an agricultural region it has little inducements; but for a pastoral people the advantages are great, for cattle may graze there the year round.

The third valley is between the Blue and the Rocky Mountains, and seems to be absolutely uninhabitable for farmers. It is described as a collection of bare, rocky mountain chains, cut by deep gorges through which flow streams produced by melting snow, for rain seldom falls at any time. All attempts to raise vegetables have failed.*

The New York *Tribune* took a like view of the folly of

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* Quoted in Niles's Register, May 31, 1845, p. 203–204.

emigration to Oregon. Not less, said the editor, than ten thousand of our fellow-citizens have this year left the fertile prairies of the West to endure the hardships and privations of the overland journey to Oregon. That journey will cost the lives of many delicate women and children; six months or more of the perils of the plains, days of famine, nights of drenching storms, and when winter opens with its incessant rain and sleet, they will still be hundreds of miles from the Willamette. But suppose they do reach Vancouver by the first of December, with food gone, clothes worn out, wagons broken or left in the sterile deserts of eastern Oregon, what are they to do? Where are they to find houses, food and clothes? Oregon is not a fertile country. Not a tenth of its surface can ever be cultivated at all, while there is not a square mile of it on which a good crop of Indian corn can be raised. The snow-covered mountains insure cool nights at all seasons, however fervid the days, and heavy frosts after withering heat are of frequent occurrence. Nothing that frost kills can be raised in Oregon. Why then do men go there? Why leave the richest and most inviting spots on the face of the earth, regions where every grain and grass grows in luxuriant perfection, to wander two thousand miles through the most desolate region on which the sun ever shone, and at last reach a land inferior to New England. Was there ever such fatuity short of suicide? *

At Washington, during the summer of 1845, negotiations were once more resumed for a settlement of the Oregon boundary. Pakenham again offered arbitration. Buchanan did not favor such a method, did not despair of a settlement by using what he called the "principle of giving and taking," but promised to consult the President on the matter. But July was nearly half gone before the Secretary made an official reply, and offered the parallel of forty-nine degrees to the Pacific, with the freedom, to Great Britain, of such ports in Vancouver's Island south of the line as she might desire. Our title, Polk believed, covered not merely the valley of the Oregon, as contended for by Calhoun, "but the

* New York Tribune. Niles's Register, August 2, 1845, p. 340.

whole territory of Oregon" up to fifty-four degrees forty minutes. Such being his opinion, nothing could have induced him to yield any part of the territory "had he not found himself embarrassed, if not committed, by the acts of his predecessors." These predecessors had always acted on the principle of compromise, and he therefore had determined to do the same.*

When Polk became President, Buchanan explained to McLane, an agreement to treat for Oregon had been made by Calhoun. Thus forced to decide whether negotiations should go on or stop, Polk asked himself if the honor of the nation required that they should be abruptly ended. War rather than dishonor was deeply graven on the hearts of the American people; but the President was sure there could be no dishonor in following a course pursued by many Presidents since the days of Monroe. He next asked himself would the adoption of the line of forty-nine degrees damage the interests of the United States? We know, wrote Buchanan, but little of the country north of forty-nine, but from what we do know it is, save in spots, "wholly unfit for agriculture, and incapable of sustaining any considerable population. Its chief, indeed its almost only, value consists in furs which may yet be collected upon it, and even in this particular it is not of much importance."

"Arbitration being out of the question," nothing remained but the compromise so often tendered by the United States, or a demand for all Oregon which would make "war almost inevitable." The President did not think the civilized world would justify "a war waged for a comparatively worthless territory north of forty-nine, which his predecessors had over and over again offered to surrender." By order of Polk, therefore, the Secretary delivered a note to the British Minister, and formally tendered the parallel of forty-nine degrees to the Pacific.†

Pakenham was much incensed at the offer; did not even

* Buchanan to Pakenham, July 12, 1845, Executive Documents, 29th Congress, 1st Session, No. 2, pp. 163–169.

† Buchanan to McLane, July 12, 1845. Buchanan MSS. Pennsylvania Historical Society.

refer the proposition to Aberdeen, but flatly refused it, and asked Buchanan for another proposal "more consistent with fairness and equity, and with the reasonable expectations of the British Government." * This was too much for Polk, and he bade the Secretary withdraw the offer of forty-nine degrees.† Buchanan objected strongly, but obeyed, and, when reporting his action to the President, said: "Well, the deed is done; but I do not think it was the part of wise statesmanship to deliver such a paper in the existing state of our relations with Mexico." To this Polk answered "that he was glad it was delivered; that it was right in itself, and that he saw no reason for delaying it because of our relations with Mexico." ‡

Aberdeen, when he learned what had happened, expressed regret that the offer had been rejected, and hinted to McLane that if it were slightly changed, it might be accepted. When this was reported to Buchanan he was sure that new instructions had been sent to Pakenham, and asked Polk what he should do. Tell him, said the President, that any proposition he may make will be considered; give him no intimation as to the intentions of the Administration, but let him take his own course. Buchanan replied that if negotiations stopped, war would follow at once. Polk said he did not expect a proposition that he could accept, but if a proposal were made he would reject, or send it to the Senate for advice according to its character. Buchanan asked if he might say to Pakenham that a reasonable proposition would be laid before the Senate. The President said No. Buchanan thought a crisis ought not to be hastened. By delay Oregon might be saved. Strong measures might lead to war and Oregon be lost. Polk answered that he was satisfied with matters as they stood; that in his message he should take bold and strong ground, and that he should reaffirm the Monroe Doctrine, and declare against allowing any European power to plant a new colony on the American Continent. §

* Pakenham to Buchanan, July 29, 1845, Executive Documents, 29th Congress, 1st Session, No. 2, p. 176–177.

† Buchanan to Pakenham, August 30, 1845. Ibid., p. 192.

‡ Polk's MS. Diary, August 30, 1845. § Ibid., October 21, 1845.

Buchanan was not mistaken in his belief that Pakenham would seek to reopen negotiations. He came, and in a note which he left with the Secretary, denied that he had rejected the proposal. He had merely stated that he "did not feel at liberty to accept it." Buchanan now drafted a reply so gentle that Polk forbade him to send it, wrote one himself, and instructed the Secretary to have it delivered. Pakenham then withdrew the note, and the issue was once more at a standstill.

True to his promise, Polk in his annual message took "bold and strong ground" on the Oregon dispute. The whole history of the controversy from the days of Monroe to the withdrawal of his offer of forty-nine degrees was told with much fulness. He asked Congress to authorize the year's notice necessary to end joint occupancy; to spread the protection of our laws and jurisdiction, civil and criminal, over our citizens in Oregon; to establish an Indian agency; and to require that stockades and block-houses be built along the emigrant route, and that a force of mounted riflemen be raised to guard and protect emigrants on their journey. All this would be no violation of the treaty. It would be doing for American citizens just what Great Britain had been doing for her subjects since 1821. At the end of the year's notice the time would be reached when our rights in Oregon must be yielded or firmly maintained. That they could not be yielded without a sacrifice of national honor was too clear to be doubted. The proposition of Great Britain to give to her two-thirds of Oregon, the free navigation of the Columbia, and all the valuable ports on the Pacific, could not be entertained for a moment. To do so would be to abandon our rights, our principles, our self-respect, our national honor. The spread of our settlements westward, the admission of new States, the expansion of free principles, our rising greatness as a nation, had attracted the attention of the powers of Europe, and some of them had proposed a balance of power on this continent to check our advance. European interference on the continent of North America could not be allowed, and should such be attempted, we must be ready to resist it at any and all hazards. The time had come when it was proper

to reiterate the doctrine set forth by Mr. Monroe. Existing rights of European nations should be respected, but it was due to our safety and our interests that our laws should be spread over our whole territorial limits, "and that it should be distinctly announced to the world, as our settled policy, that no future European colony or dominion shall, with our consent, be planted or established on any part of the North American Continent."

At home the words of Polk were warmly approved. The people, it was said, are delighted with the patriotic and truly American doctrine of our excellent President. The general sentiment seems to be, uphold our rights, and let John Bull say whether he will or will not fight us.* Give notice to Great Britain, extend our laws over Oregon, establish military posts, protect the emigrants, and let John Bull decide what he will do. This is the just and firm way to assert our rights, and if Great Britain chooses to fight us for claiming our own, let her do it.† We hope notice will be given—the simple, naked notice, without any warlike demonstration whatever. Let the dose be calmly administered and quietly digested.‡

We are told that Oregon is sterile, is so worthless that it is not worth quarrelling about; that the damage our commercial and shipping interests would suffer by war would far surpass any benefit that would come from the ownership of all Oregon. Yet the Hudson's Bay Company has cleared from furs and buffalo skins not less than half a million annually. No, it is a matter of great importance that the whole Pacific coast of this continent should be ours. Patriotism and policy demand this, especially since the coast to fifty-four-forty is ours. Give the notice.§ Justice to our countrymen who have gone to the Columbia demands it.

Give the notice by all means. Let us free ourselves from the obligations we have assumed, and then take such further measures as our rights may require. Give the notice, and

* North Carolinian, December 31, 1845.

† Boston Post, Washington Union, January 19, 1846.

‡ Fredericksburg Recorder.

§ Shenandoah Sentinel, January 30, 1846.

we shall be free to act, free to settle the question peaceably if we can, or by the strong arm if we must.*

The croakers are now hard at work crying War! War! But we shall not have war. Our rights are too clear, public opinion in both countries too decidedly opposed. It will not come; but sooner than give up one iota of national honor let it come. The President has done well to spurn the offer to arbitrate. Arbitrate with Great Britain! How preposterous! † It would be out of the question to get an impartial arbitrator. All the powers of Europe look with jealousy on our growing greatness.

The Senate of Michigan resolved that our title to fifty-four-forty was clear and incontestable; that in our offer of forty-nine all the world could see a spirit of liberal concession, and bade the Senators vote for immediate notice.‡ A public meeting in St. Clair County, Illinois, declared that Oregon extended to fifty-four-forty; that it could not believe that Polk would abandon his solemn pledges, and compromise on forty-nine; that he was not bound by Tyler's pledges, and that a compromise on forty-nine degrees would "prostrate the Administration." § A great meeting of citizens of Philadelphia endorsed the position of Polk, and favored the ending of joint occupancy. The legislature of Mississippi insisted that our claim to Oregon be asserted and upheld. War was a calamity second only to national disgrace. If war must come, let it come.

By the people the action of Congress was awaited with the deepest interest. For two months and more, it was said, Congress has gone on debating the Oregon question, and what is it all about? Why, whether we should put an end to an old agreement which can no longer be kept without risking the public peace. And this question American Senators hesitate to answer, though the answer is plainly dictated by patriotism, justice, and policy. And why? Lest the answer be displeasing to Great Britain. What a pity the

* New Orleans Delta, January 27, 1846.

† New York Globe, Washington Union, February 13, 1846.

‡ Detroit Free Press, January 23, 1846.

§ Illinois State Register, April 10, 1846.

Congress that declared independence was not governed by such prudent motives! *

Can notice be looked on as a war measure? No, the right to give it is expressly provided for in the convention of 1827, and the whole country is crying out for notice. But admitting that it will stir up the wrath of Great Britain, hurt her pride, and lead her to make war, will it be more likely to do so now than next year or four years hence? Such hesitancy is unworthy of a great people.†

Toward the close of 1845 Pakenham offered to arbitrate the question of a fair division of the territory, and when this was declined, offered to arbitrate not only the question of territory, but also that of title. This, too, was rejected, and both sides waited to see what Congress would do. Late in April it authorized Polk to serve the one year's notice whenever he thought proper. Polk thought it wise to do so at once, and, on the twenty-eighth of April, McLane was ordered to notify the British Government. Aberdeen now bade Pakenham offer forty-nine, reserving Vancouver's Island and the free navigation of the Columbia. This was accepted, and early in June the proposal as presented by Pakenham to Buchanan was laid before the Senate for its advice,‡ which was "to accept the proposal of the British Government." § A treaty, settling the long-disputed boundary was then sent to the Senate and approved. Ratifications were exchanged in July, and on August fifth it was proclaimed the law of the land. By it the parallel of forty-nine degrees was continued westward from the Rocky Mountains to the middle of the channel which separates the Island of Vancouver from the continent and then southwardly through the middle of the channel and the Straits of Juan de Fuca to the Pacific Ocean. Navigation of the Columbia River south of forty-nine was granted to British subjects, and the farms, lands, and other property of the Puget Sound Agricultural Company, north of the river, were duly confirmed to it.

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* New Orleans Delta, March 14, 1846.

† Harrisburg Union, March 21, 1846.

‡ Message of June 10, 1846.

§ Congressional Globe, 29th Congress, 1st Session, Appendix, p. 1168.

The Democrats had now, they claimed, redeemed two pledges of the party platform in the campaign of 1844. Texas had been reannexed, and Oregon had been "reoccupied." A third pledge bound them to raise no more revenue than needed to meet the expenses of government economically administered. This meant the repeal of the tariff of 1842. Protectionist Democrats, deceived by Polk's letter to Kane, the speeches of Buchanan, and the assurances of stump orators, were convinced it would never be done. But the President, in his annual message, asked for reduction, denounced the maximum and minimum as frauds, and urged the adoption of *ad valorem* rates on a revenue basis, and a draft of a bill embodying his wishes was sent by the Secretary of the Treasury to the Committee of Ways and Means. A struggle was at once begun by a part of the House to get possession of it. But motions, that it be printed for the use of the members, and that a copy be furnished the Clerk for that purpose; that the committee be instructed to give a copy of the bill to the Clerk, and that the usual number of copies be printed; that the Secretary of the Treasury be requested to furnish a copy, and finally that any member of the committee, having a copy, be authorized to make it public, were laid on the table,* and the malcontents were forced to wait till a bill was reported in April.

Specific duties were all abolished, and *ad valorem* substituted. The highest was thirty per cent on the foreign market value, which was understood to be the equivalent of twenty per cent on home valuation under the Compromise Tariff of 1832. Against this Democrats from Pennsylvania, Maryland, and New York protested. Who, it was asked, had demanded this reduction? What necessity required it? When and where had the American people expressed their condemnation of the Act of 1842? Was it in the election of James K. Polk? Did the people of Pennsylvania in that campaign advocate repeal or modification? More than one-half of her electors cast their votes for Polk; but did they by that act declare the tariff of 1842 a system of "fraud, injustice,

* Journal of the House, 29th Congress, 1st Session, pp. 406, 412, 413, 422.

and oppression"? The great question in the canvass in Pennsylvania was, whether Polk or Clay was the better tariff man. At a great Democratic mass-meeting on an island in the Susquehanna, Buchanan had told his hearers that Polk was as good a tariff man as Clay, and that the tariff of 1842 was as safe in the hands of Polk as in those of Clay. Inscribed on the banners of every Democratic procession in Pennsylvania were such mottoes as "Polk and the Tariff of '42"; "Polk, Dallas, Texas, Oregon and the Tariff of '42"; "Polk and the Democratic Tariff of 1842"; "James K. Polk and the Tariff of 1842. We dare the Whigs to repeal it." This was what the Democrats of Pennsylvania honestly believed. But now the Democracy, with Polk at its head, was in hot haste to blot out the tariff of 1842. Protest and argument were of no avail. On the third of July the House passed the bill, and ere the month ended it was approved by the President.

By that time two bodies of emigrants were well on their way across the plains, the one to California and the other to Oregon. Those who, in the spring of 1846, gathered along the Missouri frontier at Council Bluffs, St. Joseph, Elizabethtown, Iowa Point, and Independence, numbered some twenty-five hundred, of whom a third were bound for California. They were described as a fine-looking body of people, well equipped for the journey. Some wagons were carpeted and provided with chairs. On the covers of others were painted the words "Oregon, 54° 40′, all or none!" The mustering place for the various companies was on the Kansas River a hundred miles westward, whence they followed the now well-beaten trail to Fort Bridger and Fort Hall. Long before these outposts were reached the strain had begun to tell on animals and men. One by one household treasures were thrown from the carts to save the oxen, and one by one the large companies were split by petty quarrels into many little ones. At Fort Laramie some sold their wagons and pushed forward on horseback. Before Bridger was reached many were heartily sick of the journey, and wished themselves back at home.

At Fort Bridger Hastings met the emigrants and per-

suaded some eighty to turn aside and travel by his newly discovered cut-off to the Humboldt Valley. The rest went on to Fort Hall where, under Jesse Applegate, they found a party sent by the colonists of the Willamette Valley to open a road through the Cascade Mountains to Fort Hall.

Assured that by taking this route they would avoid toiling through two hundred miles of mountain country, the owners of a hundred wagons turned off, made their way to the headwaters of the Humboldt, were annoyed by Indians as they followed the river, crossed the Black Rock alkali desert and the Granite Mountains, passed the lower Klamath Lake, climbed a steep spur of the Cascade Mountains, and, in October, entered Rogue River Valley. Two months passed between the day the caravan left Fort Hall and the day the last of the wagons entered the valley. The rainy season was then at hand, and all speed should have been made northward. But the emigrants lingered, to rest the oxen and horses, till the rains began, and with the rain came suffering, disaster, loss of cattle, loss of property, and when the Umpqua Valley was reached, famine. As soon as this was known by the settlers in the Willamette Valley relief parties were formed, and horses, cattle, and flour despatched, and many who, if left to themselves, would have perished in the snow, were brought in safety to the settlements.

In the party bound for California was Edwin Bryant, who in time became Alcalde of San Francisco, and the author of one of the best accounts of the hardships and pleasures of the long journey across the plains.* With a few companions Bryant left Louisville in April, 1846, and made his way to Independence. The town was well fitted to be the gathering place of emigrants, for it had long been the point of departure for the Santa Fé traders, and was stocked with everything they really needed.

At Independence all sorts of disheartening rumors ran riot. Five thousand Mormons with ten brass field-pieces, and with every man armed to the teeth, had crossed the Kansas, vowing vengeance on any emigrants they met. The Kansas

* "What I Saw in California."

Indians had gathered on the trail ready to rob and murder. Five Englishmen, supposed to be emissaries of the British Government, had gone forward to stir them up, for Great Britain was determined that Oregon should never be ours.

Dread of the Mormons and the Indians was real; but, despite it, the California emigrants in small parties or in bands moved off along the Santa Fé trail to Indian Creek, where a leader was elected, and rules for the government of the company adopted. Some twenty miles farther on the Santa Fé trail was left, and the party headed for the ferry across the Kansas River. Just before the ferry was reached the party split, twenty-eight of the sixty-three wagons drew off, and the remainder were taken safely across the Kansas in rude boats polled by Indians, while the cattle and horses waded and swam. While in camp a short distance beyond the river two men overtook them with letters and newspapers, the last the emigrants would receive till safe in California. From the newspapers it was learned that Taylor had been attacked, and war had begun on the Rio Grande. Before the journey was resumed eleven wagons were added to the train. Nine belonged to a company from Springfield, Illinois, under James F. Reed, and two brothers named Donner, a party whose adventures and sufferings on the way form a dark and tragic chapter in the history of overland emigration.*

The trail now passed through the country of the Kansas Indians to the Big Blue River, and on into the Pawnee country. A long series of fights and disputes between members of the Oregon company led to a request that they travel by themselves, and some twenty wagons and their occupants and cattle withdrew.

Early in June, when a month out from Independence, the Platte River was reached at Grand Island. They were now on the great overland route, and noticed, from time to time, rude post-offices along the trail. Sometimes the notes

* The company thus increased numbered ninety-eight fighting men, fifty women, forty-six wagons, and three hundred and fifty cattle. Bryant: "What I Saw in California," p. 40.

of earlier emigrants were written on the bleached skulls of buffaloes; sometimes on a smooth board; at others on bits of paper set in the cleft end of a stick thrust into the earth beside the trail. Antelope abounded, buffalo chips were everywhere, and from time to time prairie-dog villages, covering perhaps several acres, were passed. Pushing up the valley of the Platte, the vegetation grew short and thin, and by the time the South Fork was reached great herds of buffalo were seen in the distance. After running up the valley of the South Fork some miles the trail crossed a ford and went over to the North Fork through a pass known as Ash Hollow. In it was a rude log cabin, built during the previous winter by snow-bound trappers, and this the emigrants ahead had turned into a post-office. On its outer walls were pasted notices in writing of lost cattle, horses, and mules, and in a recess within was a pile of letters to be carried back by anyone on his way to the States.

Court-House Rock was next passed, then Chimney Rock, then Scott's Bluff, around the base of which the trail wound; then Fort Bernard, a little trading post eight miles from Fort Laramie. When Bryant and his party saw Fort Laramie it was still the property of the American Fur Company. Before it were six hundred Sioux lodges, for a war party of three thousand had stopped there on their way to attack the Snakes and Crows.

The fort was a quadrangular structure of adobe, twenty feet high and four feet thick, enclosing an area two hundred by two hundred and fifty feet. At two corners diagonally opposite were bastions. In one side was the great gate, defended by two brass swivels, and opposite this, across the enclosure, was a small gate or postern. Within were the shops, offices, store-rooms, and the quarters two stories high.

Here Bryant and his party exchanged their wagons and oxen for pack mules. Ten days of travel brought them to Independence Rock, on which were painted or graven the names of many hundreds of emigrants. The Sweetwater was soon abandoned, and the gentle ascent to the South Pass begun. From the summit a lingering look toward the At-

lantic was taken ere the party passed down the Pacific slope toward Fort Bridger, a little stockaded trading post in what is now the southwestern corner of Wyoming.

The scene at the Fort was one of unusual activity. Five hundred Snake Indians were encamped near by, but when Bryant told them of the Sioux war party at Laramie, they went off at once. Numbers of traders had come up from near Taos, and the head waters of the Arkansas, to barter moccasins and shirts and pantaloons of buckskin for the whiskey, coffee, flour, sugar of the emigrants. Walker, of Missouri, who had gone out as guide with Frémont, was there with five hundred California horses he was driving to the States. Parties of emigrants with their cattle were coming and going daily, and as each remained a day or two to rest and feed their animals the rich bottom was dotted with their corrals. "Circles of white-tented wagons," says Bryant, "may now be seen in every direction, and the smoke from camp fires is curling upward morning, noon, and evening. An immense number of oxen and horses are scattered over the entire valley grazing upon the grass. Parties of Indians, hunters, and emigrants are galloping to and fro, and the scene is one of almost holiday loveliness."

At Bridger the emigrant trail turned off to Fort Hall; but Bryant and eight others were persuaded by Hastings to take the cut-off he had just explored. It led to the south shore of Great Salt Lake, and on by Utah Lake to the edge of the salt desert, across which they went in a day, a hard journey of seventy-five miles. A ride over a mountain, at the foot of which the camp had been made, brought the party to a valley sparsely covered with sage-brush and grease wood. Hurrying over this, they mounted a ridge of low hills strewn with sharp fragments resembling lumps of glass, and beheld the desert spread out before them. Not a tree, not a shrub, not a thing of any sort, rose above the snow-white plain. It was a land of illusions, and as the travellers urged their mules forward they seemed to see object after object which had no existence in that wilderness. Now it was a sheet of water whose surface was ruffled by the wind; now a lake dotted with islands and bordered with pleasant groves; now a

villa; now a city with domes, spires, and towers. At another time two huge phantom horsemen, miles away, moved with them across the desert. At another a band of men, some mounted, some on foot, seemed to be rushing down on them. These, it was thought, might be Indians; but when the figures suddenly increased to several hundred, it was supposed they might be Frémont and his men coming back from California. Not till it was noticed that every movement they made was repeated by the approaching host was it concluded that they were gazing on reflections of their own images. Toward midnight, after a journey of more than seventeen hours, the desert was crossed, and camp made near a little stream of water. Range after range of mountains, and valley after valley, with here and there a spring whose waters rose to the surface only to sink again in the parched earth, were crossed before the party descended to the valley of the Humboldt River.

On the bank of that river the travellers fell in with the party from Oregon led by Applegate, who left the Willamette early in May to explore a new route to Oregon by way of the Humboldt. The trail of the Bryant party was now down the river to the sink, then westward to the Truckee River, and by it to Truckee Lake. They were then at the foot of the crest of the Sierra Nevada Mountains. Climbing the steep ascent to the pass, they went down into the Yuba Valley, crossed Bear River Valley, made their way to the Sacramento, and reached Sutter's Fort the first of September.

An awful fate meantime was awaiting some of the emigrants with whom Bryant had travelled over the plains. In the winter of 1845 James F. Reed had organized a party at Springfield, Illinois, and in April, 1846, thirty-one men, women, and children started for California, and just across the Kansas River overtook the party led by Bryant. When Bridger was reached many were induced to take the Hastings cut-off. Some crossed the desert and the mountains before snow fell, and arrived at Sutter's Fort in safety. Eighty-seven emigrants, including the families of Reed, and two brothers named Donner, lost the trail of those who went before, and spent a month on the way to Great Salt Lake. The

desert, they were told, was forty-five miles wide; but the third night found them still on the plain without food or water for the animals. The cattle of Mr. Reed began to give out from thirst and fatigue, and eighteen yoke of oxen were driven forward in search of a spring, but when the cattle scented the water they stampeded, and were never seen again.

The rest of the party having meantime gone on, Mr. Reed and his family were forced to follow on foot till a wagon was overtaken. After a week spent on the edge of the desert in fruitless search for the cattle, the party loaned a couple of oxen, and with one wagon Mr. Reed made his way to the Humboldt River. An attempt by Reed to settle a dispute between two drivers led to blows, a knife thrust, and the death of one of them. For this murder Reed was banished from the party, and left to find his way over the mountains as best he could.

Food was now running low. Two volunteers, therefore, hurried on to beg some from Sutter, who gladly gave it, and sent back with them two Indian vaqueros to act as guides. This relief party met the emigrants on Truckee Lake; but winter set in earlier than usual, all trails were hidden by snow, and with the white summit of the Sierras as their only goal, the emigrants vainly tried to cross the mountains. Wagons were abandoned, goods and food were packed on oxen, and men and women, carrying their children and driving the cattle, pushed through snow waist deep to within three miles of the summit. There the snow came down in earnest and, abandoning all hope, the party camped on the shore of the lake ever since known as Donner. Three double cabins were built, the cattle were killed, and four awful months were passed. At last, driven to desperation, a forlorn hope of ten men and five women on rude snowshoes attempted to cross the mountain. Seven succeeded, but eight perished on the way.

At Donner Lake, meantime, many died of cold and hunger; all were brought to the verge of starvation, and the family of Mr. Reed was forced to eat the raw hides which had formed the room of the cabin. Succor came at last. Reed had reached Sutter's Fort and, furnished with horses,

food, and men, started for the camp. When the horses could go no farther Reed and his companions went forward on foot, carrying on their backs such food as they could, but were forced to return to Sutter's. And now was it that the seven survivors of the fifteen that left the lake a month before arrived at the fort. The tales they told led Sutter to try again, and a third relief party set off, and by the middle of February reached the lake, to find ten dead, and many too low to resuscitate. No time was lost, and such as were able to travel, twenty-three in number, were taken westward. One fell by the way and died. The others reached a *caché*, made by the relief party on the journey out, to find the food destroyed by wild beasts. Starvation seemed certain, but a fourth relief under Reed met them in the nick of time. Hurrying on to the lake, Reed left food, and men to care for the helpless, and with such as could travel, seventeen in number, started for Sutter's. They all but perished in a blizzard ere they were safely through the mountains. Survivors at the camp and at Donner's Lake were rescued in time; but the awful straits to which they were brought had forced the living to feed on the bodies of the dead.*

Our country was then at war with Mexico. On the sixth of March General Almonte, the Mexican Minister, sent to the State Department a protest against the admission of Texas, called it the most unjust act of aggression in the annals of modern history, described it as the spoliation of a friendly nation, and asked for his passports.† Buchanan ‡ replied that so far as the United States was concerned, annex-

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* The story as told by a daughter of Mr. Reed, then a child, may be found in the Century Magazine for 1891.

See also Statement of John Sinclair written in February, 1847; Extract from a letter of Mr. George McKinstry; and Copy of a Journal kept by a Suffering Emigrant on the California Mountains from October 31, 1846, to March 31, 1847, in Bryant's What I saw in California, pp. 251–261. When General Kearny was returning from California, in June, 1847, he stopped at the camp, buried the bones of the dead and burned the cabins. The horrid sight he beheld is described by Bryant, who was with Kearny. What I saw in California, p. 263.

See also McGlashan, History of the Donner Party.

† Almonte to Calhoun, March 6, 1845.

‡ Buchanan to Almonte, March 10, 1845.

ation was "irrevocably decided"; that nothing but the refusal of Texas to ratify the terms could defeat the project; that it was too late to reopen a discussion already exhausted; that Texas had long since taken her place as a sovereign and independent State in the family of nations, and having expressed her wish to join our Union, neither Mexico nor any other nation had any just cause of complaint against the United States for admitting her.

On the twenty-eighth of March the Mexican Minister of Foreign Affairs notified our Minister that all diplomatic relations were closed, and addressed a protest, against the proceedings of the United States as to Texas, to the ministers of Great Britain, France, and Spain.

Meantime the special messenger sent by Tyler to overtake Donelson had reached the Hermitage, and finding he was not there, had gone on to New Orleans and delivered the despatches. Bearing these, Donelson set off for Galveston, where he was given assurance that France and Great Britain, in return for commercial favors, were ready to guarantee the independence of Texas. Hurrying on to Washington, Texas, he formally delivered the joint resolution to Attorney-General Allen, then acting Secretary of State. President Jones at first was far from inclined to assemble Congress. He did not think the resolution should be submitted to Congress, but to the people in convention assembled. It called for a radical change in the form of government of Texas, by requiring her to give up her independence and become a State. This was for the people, not for Congress, to decide.

By the people of Texas the news of the passage of the joint resolution was hailed with enthusiasm. At Houston the rejoicings, it was said, were as great as followed the battle of San Jacinto. Cannon were fired, drums were beaten, bonfires lighted, and the whole city illuminated. Public meetings were held in the counties, resolutions adopted, and members of the Texan Congress instructed to take steps immediately on the meeting of Congress to signify the acceptance of the terms of annexation, and to call a convention to frame a constitution. Doubt, however, was ex-

pressed as to the position of President Jones. Rumors of British meddling and the use of British gold were current, and when Ashbel Smith, the Texan Secretary of State, hurried across the United States and took boat at Boston for Liverpool, the charge was openly made that his hasty departure and mysterious mission were part of a scheme to delay action on annexation until a full understanding was had with England.

Despite his doubts, Jones summoned Congress * to meet on June sixteenth, and issued a proclamation authorizing the election of delegates to a convention, to assemble July fourth, to frame a constitution and take final action on annexation.†

Donelson reported that, so far as Texas was concerned, he considered the matter settled. He was not so sure of the conduct of Mexico. That Great Britain was earnestly striving to prevent annexation was well-known. Indeed, her *chargé*, Captain Elliott, had obtained from Jones, just two days before the joint resolution was delivered by Donelson, a signed statement of "conditions preliminary to a treaty of peace between Mexico and Texas." ‡ They were, acknowledgment by Mexico of the independence of Texas, a promise that Texas would never annex herself to any country whatever, that her boundaries should be defined in the treaty, and that questions respecting disputed territory should be settled by arbitration. With this statement of the conditions on which Texas would consent to treat, Elliott had returned to Mexico, had secured their acceptance by that power, and early in June, by another proclamation, Jones referred the agreement to Congress and declared a cessation of hostilities.§

This action of President Jones and the almost absolute certainty that Texas would accept the conditions of the joint resolution, brought up another question of a serious character. If, so wrote Donelson to Buchanan, Mexico occupies the terri-

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* April 12, 1845, Niles's Register.

† May 5, 1845, Niles's Register, June 7, 1845, p. 212.

‡ March 29, 1845. Executive Documents, 29th Congress, 1st Session, vol. i., No. 2, p. 71.

§ Proclamation of June 4, 1845. Executive Documents, 29th Congress, 1st Session, vol. i, No 2, pp. 62–63.

tory between the Rio Grande and the Nueces before the convention meets, will the United States defend Texas, or stand still and see her invaded? The question was no idle one, for seven thousand Mexican troops were on the Rio Grande, and Captain Elliott had declared to many citizens of Texas that failure to treat with Mexico would be followed by immediate invasion.* Polk was much alarmed by the receipt of this news, and promptly answered that just as soon as the Texan Congress accepted the terms of annexation he would feel bound to repel invasion.† An express should at once be sent to General Taylor at Fort Joseph with orders to move the troops there gathered to the Sabine. The moment it was known that the convention accepted annexation Donelson was to send an express to the commanding officer on the Sabine, and he would at once move to such places in Texas as her authorities thought proper. Captain Stockton, meantime, should be ordered with the fleet to the mouth of the Sabine.

No invasion occurred. The Congress met on the appointed day, unanimously rejected the Mexican treaty, and unanimously accepted the terms of annexation.‡ The convention assembled on July fourth, expressed the assent of the people of Texast to the terms,§ and framed a constitution,‖ which was ratified at the polls in October.

The departure of Almonte was a real disappointment, for Polk had come to the Presidency with the avowed purpose of buying California, a purpose likely to be defeated unless diplomatic relations could be restored at once. The indignant minister, therefore, had scarcely departed when a secret agent was despatched to Mexico with authority to reopen diplomatic relations if he could. His instructions bade him keep his diplomatic character a profound secret, see the President and chief official, assure them that while the United States looked on the Texan question as settled, she

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* Donelson to Buchanan, June 4. 1845, Executive Documents, 29th Congress, 1st Session, vol. i, No. 2, p. 54.

† Buchanan to Donelson, June 15, 1845. Ibid., pp. 134–137.

‡ Executive Documents, 29th Congress, 1st Session, vol. i, No. 2, pp. 75–77.

§ Ibid., p. 86. ‖ Ibid., pp. 104–125.

was ready to adjust all other issues in a liberal spirit, and impress on them that it was the true interest of Mexico to renew friendly relations with the United States. After he had ascertained that diplomatic intercourse would be renewed, "then, and not till then," was he at liberty to disclose his official character.*

Parrott left New York early in April in the same ship that carried Almonte, and after much fruitless effort succeeded in reaching the Mexican Government by indirect channels in June.† Nobody, he reported, really believed that there would be war over the Texan question. Great, indeed, was the folly of the Mexican people, but not so great as to force on a measure which might endanger the very existence of the republic.‡ Nay, he was sure, such was the public desire to receive a commissioner, that if one were sent he would be received with joy.§

So hopeful was the outlook that Polk laid his plan before the Cabinet, and with its approval invited John Slidell to undertake the mission. Meantime came news of an unofficial sort that was far from comforting. War feeling was said to be running high; Herrera had summoned Congress; Vera Cruz was being put in a state of defence; the Mexican Consul at New Orleans had been recalled; the Government was trying to borrow money; circulars had been issued to the departments calling on them to furnish their quotas of men; and a very warlike report had been made to Congress by the Mexican Minister of Foreign Affairs.‖

In view of these unpleasant rumors Polk thought it best to make a direct inquiry,¶ and on the same day that Buchanan offered the mission to Slidell he also wrote to Black.** The Consul was to ask if the Mexican Government would receive

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* Buchanan to Parrott, March 28, 1845. MS. Archives, Department of State.

† Parrott to Buchanan, June 10, 1845. MS. Archives, Department of State.

‡ Parrott to Buchanan, July 12, 1845.

§ Parrott to Buchanan, August 26, 1845. MS. Archives, Department of State.

‖ The Report is in Niles's Register, August 23, 1845, p. 388.

¶ Polk's MS. Diary, September 17, 1845.

** Buchanan to Black, September 17, 1845. Executive Documents, 30th Congress, 1st Session, vol. 7, No. 60, p. 12.

an envoy from the United States with full powers to settle all questions in dispute, preserve the utmost secrecy, use the utmost despatch, and send his answer by a vessel of war that would be found waiting at Vera Cruz. Buchanan was now bidden to charge Slidell to be ready to set off at a moment's notice, and the Cabinet was informed of Polk's plan. He would attempt, in settling the Texas issue, to secure a permanent boundary between Mexico and the United States. The line he had in mind was the Rio Grande to the thirty-second parallel and by this to the Pacific. For the territory ceded he would pay forty millions, but hoped to get it for fifteen or twenty millions. The Cabinet agreed to this; but thought Slidell should not be sent till the result of Parrott's mission was known.

Mexico replied to the inquiry of Black that she would receive a commissioner provided the whole naval force then lying before the port of Vera Cruz were first recalled.* The ships were accordingly sent away.†

About the middle of October Parrott set off for Washington with a letter from Black to the effect that positive and official information had been received that Herrera was well disposed to settle all matters with the United States. November ninth he reached Washington, and the following day instructions were sent to Slidell. He was to do his best to counteract foreign influence against the United States in Mexico, and renew the good relations formerly existing between the two republics. These should be the principal objects of his mission. But the first object to receive his attention should be the claims of American citizens on Mexico.

The story of our claims on Mexico has been told down to the summer of 1838, when the two countries had agreed to arbitrate, when the Mexican minister had suggested Prussia as the arbitrator, and when a convention, duly approved by the United States, was sent to Mexico,‡ but was not presented

* Peña y Peña to Black, October 15, 1845. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 16–17.

† Commodore Conner to Mr. Dimond, Consul at Vera Cruz, October 23, 1845. Ibid., pp. 19–20.

‡ History of the People of the United States, vol. vi, p. 460.

to the Mexican Congress because it was believed that the King of Prussia would not consent to act.* A new convention was thereupon signed † and Mr. Ellis sent to Mexico. But a year passed before the convention was proclaimed by Van Buren.‡ It provided for a joint commission of two representatives of each power with von Roenne, the Prussian ambassador, as arbitrator, and limited the life of the commission to eighteen months. Organization was completed late in August; but four months were spent in quibbling, and December had almost ended before the examination of claims began. During the fourteen months remaining eleven claims were allowed by the commission, and fifty-one by the arbitrator on disagreeing reports, amounting, in interest and principal, to two million and twenty-six thousand dollars. Small as was the award, Mexico was unable to pay it. A new treaty was therefore made in 1843 § by which Mexico bound herself to pay the interest on the sum awarded on the last day of April and the principal and accruing interest in twenty quarterly instalments. Interest due in April and three instalments were met; and with these all payments stopped.

When the term of the commission ended seventy-eight claims ‖ were pending before the arbitrator, and six more ¶ had been presented too late for action by the commission. To provide for them another treaty was made ** and ratified by the Senate,†† but never acted on by Mexico. Over and above all these claims seventeen others had since been filed in the Department of State.

That Mexico was utterly unable to pay any of these in money, Buchanan reminded Slidell, was well known to everybody. They must, he said, be assumed and paid by the United States, or the claimants would never be satisfied. Most happily the Texas boundary question gave an opportunity to cast on the United States the burden of settlement while doing no injury to Mexico. The right of Texas to the

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* Forsyth to the President, February 2, 1839. Richardson: Messages and Papers of the Presidents, vol. iii, pp. 514, 533.

† April 11, 1839.

‡ April 8, 1840.

§ January 30, 1843.

‖ Amounting to $928,627.88.

¶ Amounting to $3,336,837.85.

** November 30, 1843.

†† January 30, 1844.

Rio Grande from its mouth to El Paso as a boundary could not be doubted. But not so with regard to New Mexico. Santa Fé, its ancient capital, had been settled by Spaniards more than two centuries ago, had been in their hands or those of Mexico ever since, had never been conquered by Texas, nor had its people ever been represented in the Texan legislature. In settling the boundary, therefore, Slidell might offer to assume the claims on Mexico if she would accept the Rio Grande from mouth to source and thence due north to forty-two degrees. Should Mexico consent to cede all New Mexico to the United States, he might offer to assume the claims and pay five million dollars more.

But there were good reasons to believe that Great Britain and France had designs on California. The United States did not intend to interfere between Mexico and California; but would vigorously interpose to hinder California becoming a French or British colony. Slidell, therefore, was to find out if Mexico had any thoughts of ceding it to either power. If he believed she had, then, in order to prevent an act so fraught with danger to the United States, he might offer twenty-five millions and the assumption of the claims for a line due west from the south boundary of New Mexico to the Pacific, or from any point on the western boundary of New Mexico to the Pacific south of Monterey. If Monterey could not be obtained he was to offer twenty millions and the assumption of the claims for a due west line from New Mexico to the Pacific south of the bay and harbor of San Francisco.*

In the letter to Slidell was enclosed a copy of one to Thomas O. Larkin, American consul at Monterey. It was written a month before and had been intrusted to Commodore Stockton with orders to sail to the Sandwich Islands, go thence to Monterey and deliver it to Larkin. A second copy was sent by Lieutenant Archibald H. Gillespie, of the Marine Corps, who was to go to Monterey by way of Mexico.

The United States, Larkin was told, would take no part

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* Buchanan to Slidell, November 10, 1845. Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, pp. 71–80.

in the quarrel between California and Mexico unless war began. The Administration had no desire to spread our Federal system over more territory, save at the behest "of all the independent people of adjoining territories." Nevertheless, the President could not be indifferent to the transfer of California to Great Britain or any European power.*

Late in November Slidell landed at Vera Cruz and at once notified Black of his arrival. Black in turn informed the Mexican Minister of Foreign Affairs, who replied that Mexico was not expecting a commissioner from the United States, was not ready to receive him, and was desirous that we should not come to the City of Mexico. Slidell, meantime, had set out for Mexico; but Black met him at Puebla, and as a result of the conference Slidell went on to Mexico, presented his letter of credence, and asked when he would be received. President Herrera would gladly have received him, but not daring to do so, referred the matter to the Council of State, which decided against reception. Congress, it was said, had not consented to the mission, the Senate had not confirmed the appointment, the powers of Slidell were not sufficient, and that it was a commissioner, not a minister, that Mexico had consented to receive.

In January, 1846, Herrera was overthrown and a provisional government established by Paredes. Slidell thereupon returned to Jalapa, and, in accordance with instructions, wrote asking if he would be received by the Paredes government. The question was to be put by the consul at Mexico, and unless favorably answered by the fifteenth of March, Slidell was to ask for passports and leave. The answer was No, whereupon Slidell made his way to Vera Cruz and sailed for New Orleans.

Thus ended in failure Polk's first attempt to acquire California by purchase. Meantime he had begun negotiations to get it by aiding and abetting Santa Anna in his efforts to overthrow the government of Paredes. Ever since his downfall at the close of 1844 Santa Anna had been living in Havana planning and scheming for return to power. There

* Buchanan to Larkin, October 17, 1845. MS. Archives, Department of State.

many friends and followers visited him, and one, Alexander Atocha by name, undertook to further his plans by luring on Polk to aid them.

One February day in 1846, accordingly, Atocha called on Polk, asked for a confidential talk, and spread the plan before him. Santa Anna, the President was told, was in constant communication with his friends in Mexico and would soon be again in power; was in favor of the Rio Grande as the boundary of Texas, and of the Colorado on the west and a line through the bay of San Francisco to the sea as the boundary of Mexico, and would be willing to cede all east and north of these boundaries for thirty millions of dollars. Three days later Atocha came again, was told by Polk that Mexico must satisfy the claims of American citizens, and that any proposition the Mexican Government had to make would be considered when made. He answered that no Mexican government would dare make such a proposition, that it must appear to be forced to accept, that Taylor should be sent to the Rio Grande, that a naval force should appear before Vera Cruz, and that the American Minister should board one of the ships and then demand payment. Santa Anna would probably return to Mexico in April or May, would at once be restored to power, and if provided with half a million dollars could make a treaty and sustain the Government till the rest was paid.*

The advice fell on willing ears, and the next day Polk told the Cabinet that, if not received, Slidell should go on board a vessel of war and from her deck demand payment of the claims; that if no heed was given, Congress should be asked to authorize another demand from a vessel of war, and if this was refused to vest the President with authority to take aggressive measures.†

Slidell meantime had sent word to Paredes, through a personal friend, that the United States would relieve the financial straits of his government if it would consent to a settlement of the boundary.‡ When, therefore, the new in-

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* Polk's Diary, February 16, 1846. † Ibid, February 17, 1846.

‡ Slidell to Buchanan, February 6, 1846. MS. Archives, Department of State.

structions were sent Slidell, in March, he was told to make known to Paredes that if he would promise to accept a treaty settling the boundary in a way acceptable to the United States, he "could command immediate funds." *

Having decided that money was necessary whether Paredes or Santa Anna ruled in Mexico, Polk now determined to ask Congress for a million dollars, consulted his Cabinet, and with its approval sought advice of certain Senators.† They urged him to wait till the Oregon question, then pending in Congress, was out of the way; but a week later, when word came from Slidell that Paredes had refused to receive him, Polk told his Cabinet that he would act against Mexico at once. He decided, however, to put off his message till Slidell had returned, which was early in May. Slidell urged prompt and vigorous action, and on May ninth Polk announced to the Cabinet that he should send a message to Congress on the twelfth, and asked if it should call for war. All save Bancroft said Yes; but that evening a despatch from Taylor announced that war had already begun.

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* Buchanan to Slidell, March 12, 1846. MS. Archives, Department of State.

† Polk's Diary, March 25, 28, 29, 30, 1846.

CHAPTER LXXX.

MEXICO INVADED.

When Tyler signed the bill providing for the annexation of Texas, General Zachary Taylor was in command of the first military division with headquarters at New Orleans. That troops for the defense of Texas might be ready if needed, he was ordered to be prepared to march at any time. A little later he was informed that just as soon as Texas accepted annexation the President would consider her one of the United States; that she would then be entitled to protection against invasion by foreigners or by Indians, and that he should so post his troops as to be able to protect her when necessary. June fifteenth he was told that Texas, in all probability, would accept the terms of annexation on July fourth, and was ordered to march to the mouth of the Sabine, or such other point on the Gulf as was most suitable for an advance to some place on or near the Rio Grande. Unless Mexico should declare war against the United States, his duty was simply to defend Texas.

Thus instructed, Taylor, with fifteen hundred men, set off for New Orleans, sailed from there in July, reached St. Joseph's Island early in August, embarked for the mouth of the Nueces River, and established his headquarters near Corpus Christi. There the army was reinforced by seven companies of infantry and two of artillery, and there it remained till the spring of 1846.

The letter of Slidell, reporting the refusal of Herrera to receive him, reached Washington on January twelfth, and the next day orders were sent Taylor to advance to the Rio Grande. They were delivered early in February, and on

March twelfth the army left Corpus Christi and began its march across the disputed territory. When some ten miles from Point Isabel, Taylor sent General Worth with the infantry on toward Matamoras, while he, with the cavalry, rode to Point Isabel, where his supplies, sent by sea, had just arrived. Leaving some troops to hold the place, Taylor rejoined Worth and pitched his camp on the bank of the Rio Grande opposite the Mexican town of Matamoras.

There he began to build Fort Texas or, as it was later called, Fort Brown. While so engaged Ampudia arrived, took command of the Mexican forces in Matamoras, and summoned Taylor to break up his camp within twenty-four hours and retire across the Nueces. Taylor refused, and a week later, hearing that two Mexican ships with supplies were at the mouth of the Rio Grande, ordered the river blockaded, and to enforce it put the brig *Lawrence* and a revenue cutter on guard. The Mexicans must now be starved out or fight. They chose to fight, and on April twenty-fourth Arista, who had succeeded Ampudia, notified Taylor that war had begun. Rumors meantime had reached Taylor that a large body of Mexicans were crossing the river above the fort. To ascertain if this were true, a scouting party of fifty-two dragoons under Captain Thornton was despatched during the night of the twenty-fourth. The next morning, when some twenty-eight miles from camp, the guide, alarmed by reports that the enemy had crossed in force, refused to go farther. Thornton, however, pushed on to a farmhouse surrounded by a high fence of chaparral. Into this enclosure the whole party entered and scattered in search of the owner. An old man was at length found, and while Thornton was talking to him the Mexicans suddenly attacked in force. The Americans attempted to cut their way through the entrance. This proved impossible, the order to retreat was given, and the men made their way as best they could to an open field where they were surrounded and finally surrendered.*

Taylor now considered that hostilities had begun, called

* W. T. Hardee to Taylor, April 26, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 291, 292.

on the Governors of Texas and Louisiana for four regiments from each State, and hurried forward the completion of Fort Texas. Such was the news which, early on Saturday, the second of May, reached New Orleans, and threw the citizens into the wildest excitement, for with it came the false report that Taylor was surrounded and cut off from Point Isabel. The soil of the United States, said the *Delta,* has been invaded and some of our citizens slain. This is a disgrace. It must be wiped off. The country calls for soldiers, for volunteers. We must avenge the slaughtered. We must rescue the prisoners. We must vindicate our honor. England and France are at the bottom of this movement, and the great battle of the world, the final triumph of despotic or republican principles, is now to be decided on the plains and in the mountain passes of Mexico. When the legislature met a few hours later a hundred thousand dollars were voted to equip the troops.*

A tent was put up in Lafayette Square, enlisting was begun, a great meeting of citizens pledged itself to raise the regiments called for, and numbers of volunteers at once put down their names. At Mobile, though it was Sunday, when the news came, the mayor at once issued a call for a public meeting which sent a committee to charter a steamboat to start the next day for Point Isabel with such volunteers as were ready.

So eager was the Governor of Louisiana to send off his quota that, when volunteering flagged, a bounty of ten dollars and a month's pay were offered, and when this failed to hasten enlistment, he ordered commanders of the State militia to enroll all citizens subject to military duty preparatory to a draft of troops.† And now volunteers came down from Port Hudson, Baton Rouge, and Bayou Sara, and by the ninth of May sixteen companies, or some twelve hundred men, were mustered into service. Within ten days Louisiana raised, armed and equipped nearly forty-five hundred men, known as the Washington Regiment, the Jackson Regiment, the Montezuma Regiment, the Louisiana Volunteers.

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* New Orleans Picayune, May 2, 10 A.M.

† New Orleans Tropic, May 8, 1846.

The news meantime had been sent post-haste up the valley, and on the evening of the ninth the despatch from Taylor reached the President and completely changed his plans.

His purpose had been to ask Congress to declare war on Mexico because she would not receive Slidell and would not pay the claims of American citizens. He now held that Mexico had begun the war, and spent Sunday in writing a message which on Monday, the eleventh of May, was delivered to Congress. In it the President reviewed the mission of Slidell, its failure and the reason for failure, the movement of Taylor from the Nueces to the Rio Grande, and the capture of Thornton, and announced that "now, after reiterated menaces, Mexico has passed the boundary of the United States, has invaded our territory and shed American blood upon American soil." As war existed, and existed "by the act of Mexico herself," duty and patriotism required that the honor, rights, and interests of the country be vindicated with decision.* The House acted with promptness. A motion to have the documents which came with the message read was voted down, and a bill, declaring that war existed by act of Mexico, and appropriating ten millions of dollars and authorizing the President to call for fifty thousand men, was hurried to the Senate.

On the following day, when the bill reached the Senate and a motion was made to postpone the orders of the day and consider it at once, great opposition was made. No one objected to voting the supplies, the fifty thousand volunteers and the ten million dollars; but it was denied that any information in possession of the Senate justified the statement in the preamble that war existed by the act of Mexico. Suppose, said Senator Mangum, that the troops which crossed the Rio Grande acted without authority from Mexico. Suppose the collision which, unhappily, has taken place, is due to their own unauthorized act, will any Senator say that it constitutes a state of war? It might well be that the crossing into Texas

* Message of May 11, 1846. Richardson, **Messages and Papers of the Presidents**, vol. iv, pp. 437, 443.

would be disavowed; and until better informed would the Senate solemnly pass an act which amounted to a declaration of war in form? The President, it was true, had merely asked for a recognition of the fact that war existed; but what was the difference between a recognition that war existed and a declaration that war existed? If the friends of the Administration wanted their fifty thousand men and ten millions of dollars, they could have them in half an hour if they would but separate the question of supplies from the question of war.

Gentlemen, said Calhoun, have stated to the Senate that news from the frontier is such as to require instant action. If so, they might have instant action. If delay occurred the delay was their work; he would cause none. But he was not ready to affirm that war existed and existed by the act of Mexico. How could he affirm it when no evidence was shown? How did he know that Mexico would not disavow what had been done? He could not make war on Mexico by making war on the Constitution, and the Senate would make war on the Constitution if it declared war to exist when none had been declared, and nothing had happened but a slight conflict between a portion of two armies. It was monstrous. It stripped Congress of the power of making war and gave it to every officer—nay, to every subaltern commanding a corporal's guard.

Houston was sure that war existed. It had existed for ten years past between Texas and Mexico, and when Texas was about to be annexed Mexico had declared that if annexation took place, war with the United States would follow. Texas was annexed and the Government of the United States was with respect to Mexico in the place once occupied by Texas. Was not the crossing of the Rio Grande by an armed Mexican force an act of war? They had marched across the river in military array, they had come upon American soil with a hostile design. Was not this war?

Strange doctrines, said Cass, have been asserted on this floor yesterday and to-day. Some contend that the invasion by the Mexican army is not an act of war, because we have no proof that it was authorized by Mexico. Others, the

Senator from South Carolina among them, insist that no act of another country can create a state of war with us unless such war is declared by Congress. A Mexican army invades our territory; the President calls on Congress for means to repel this aggression, and we are met with the argument that we have no proof that the act was done under authority of the Mexican government. What proof do you want? Do you want such as is required by a county court when investigating a claim of fifty dollars? Must you have a certificate from a justice of the peace in Mexico that the President of that country directed the attack on our troops? And how long are we to wait for it? How far may the invaders march before we are satisfied that we are at war with Mexico? But there is much more than the bare fact of invasion to justify the belief that we are at war with Mexico. She has declared that the annexation of Texas would be a cause of war. She has withdrawn her minister, ended diplomatic relations, refused to receive and rudely treated our minister sent to adjust all difficulties. She has gathered an army on our frontier; summoned General Taylor to retire and, the summons being disregarded, her forces have entered our territory, attacked our troops, and surrounded our army. I appeal, said Cass, to every Senator on the other side of the Chamber if he does not believe all this has been done by order of the Mexican government.

When, at the close of a long debate, the question was taken on the passage of the bill, two Senators, Clayton of Delaware and Davis of Massachusetts, voted Nay. Calhoun, Berrien of Georgia, and Evans of Maine did not vote. All others who were present, forty in number, voted Yea. Polk signed the bill and issued a proclamation declaring that, by act of the Republic of Mexico, a state of war existed between her and the United States.

As the news spread over the country great meetings were held in city after city, resolutions were adopted pledging the support of the people, volunteers were called for, tents to be used as enlistment offices were put up in the public squares, and as fast as men were secured little camps were formed and drilling began in earnest. It has long been the fashion

to assert that the annexation of Texas was the cause of the Mexican War. No such delusion was held by the people in 1846. The great meeting at New York attributed the war to "the aggravated and multiplied wrongs to which our country has been subjected by Mexico during a long series of years"; to the refusal to make reparation after it had been promised; to the recent rejection of our minister sent to make a friendly adjustment; and to the invasion of our soil. At Baltimore one branch of the City Council stated the causes of the war to be, "a systematic and long-continued course of faithlessness, falsehood, and insolence on the part of Mexico toward our Government." A meeting of citizens at Easton, Pennsylvania, declared the causes of the war were the wrongs inflicted upon our citizens and the cold-blooded murder of our gallant officers and men. Another at Harrisburg found justification for a resort to arms in Mexico's "long-continued disrespect to our Government and official agents," in her refusal to adjust our rightful claims, in her refusal to negotiate on the subjects in dispute, and in her invasion of our soil.*

The Washington *Daily Union,* an Administration newspaper, was not surprised that war had come. It had been coming for twenty years past. During that time Mexico had been heaping on our country, on our flag, on our citizens, insults and indignity. The faith of the Government was pledged that they should be atoned for in full. No sacrifice of Mexican dignity was asked; nothing but payment for losses and damages. Either she must pay or be made to pay. At this crisis Texas was annexed and Mexico severed diplomatic relations. The President sought to reopen them. Herrera consented. A minister was sent and scornfully rejected. Warlike preparations were made. The President sent troops to occupy our territory and Mexico attacked them on our own soil. War had been caused by the deliberate acts of Mexico. It was not one of aggression on our part; but to hasten peace Mexican territory must be temporarily held. † The *Journal of Commerce* was inclined to think that the

* Harrisburg Union, May 20, 1846. † Daily Union, May 14, 1846.

Mexicans had crossed the Rio Grande in search of provisions. The *National Intelligencer* believed that the crossing had been unauthorized and would be disavowed by Mexico, and took exception to the statement of Polk that war had been declared by Mexico. Collisions or conflicts, accidental or even intentional, between the armed forces of the United States and foreign powers had occurred several times in our history. The attack of the *Leopard* on the *Chesapeake*, the attack of the *President* on the *Little Belt*, were cases in point. Yet neither constituted war within the meaning of the Constitution. The one was atoned for and the other was adjudged an accident. Neither did the crossing of an international boundary and the killing of citizens of our country constitute a declaration of war as in the case of the burning of the *Caroline*. Hostilities certainly existed; but who was to blame for them remained to be determined. The French *Courier* was of the same opinion. The *Courier and Enquirer* was sure the whole story of the invasion was based on a gross exaggeration of facts. The New York *Herald* for a while took a like view; but when the Buchanan-Slidell correspondence was published the editor changed his mind. A careful reading of the letters, he said, satisfied him that the Government was justified in everything it had done to Mexico. The only error it had been guilty of was not declaring war long ago. The correspondence proved the justice and necessity of the war.

The same day that the proclamation was issued Marcy called on eleven States for seventeen thousand volunteers for immediate service, and Bancroft sent an order to Commodore Conner to suffer Santa Anna to enter Mexico whenever he should make the attempt.* It then became necessary to notify him of this concession, so Commander Alexander Slidell Mackenzie was sent to Havana † with a copy of the order, which he read to Santa Anna, together with a long paper in

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* Bancroft to Conner, May 13, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, p. 774.

† The New York Journal of Commerce notes that Mackenzie sailed on June 14th from Norfolk in the United States brig Truxton, that he is bound for Havana, "charged, it is said, with a mission to Santa Anna." Philadelphia Ledger, June 23, 1846.

which the chief object of the visit was frankly stated. The United States, he was told, would wage war vigorously till full redress was obtained for the wrongs her citizens had suffered from Mexico. The President, nevertheless, was eager for peace, and to get it would hail with pleasure the overthrow of the military despotism of Paredes. Believing that Santa Anna did not wish the continuance of a war ruinous to his country, and that he could establish such a government as would do justice to the United States, the President would gladly see him restored to power. With Paredes there could be no cessation of hostilities; but were Santa Anna in control the President would suspend war by land provided an agreement to treat was made. The terms would be generous and were: recognition of the claims for spoliation, no indemnity for the cost of war, and liberal payment for territory taken.

Santa Anna expressed his thanks for the order to Conner, said that, once in power, he would negotiate for such a peace as the United States desired, and that the Mexicans would be forced to recall him to power if Taylor should push on to Saltillo, force Paredes to fight, beat him, and go on to San Luis Potosi. He thought it most important to take Tampico, capture Vera Cruz, and attack the castle of San Juan d' Ulloa.*

Fighting ere this time had begun in earnest on the Rio Grande. After the capture of Thornton's men, Taylor had hurried forward the completion of the fort opposite Matamoras, and while so engaged was informed that the Mexicans were about to cross below the fort. Believing this meant an attack on his base of supplies, Taylor left a small force in the fort under Major Brown, and with the rest of his army set off for Point Isabel.

Arista, supposing Taylor had retreated, now crossed the Rio Grande and early on the morning of May third opened fire on the fort, and with little intermission kept it up till the afternoon of the sixth of May, when a summons to surrender was made. This was refused. The bombardment was

* Mackenzie to Buchanan, June 7 (July 7), 1846. Bancroft MS., Lenox Library, New York.

then resumed and was still under way when, on the sixth day of the siege, the beleaguered garrison heard what they thought were signal guns announcing the coming of Taylor to their relief. The guns they heard were fired on the field of Palo Alto.

Taylor at Point Isabel had heard the cannonading in the direction of the fort; * but, not at all alarmed for the safety of Major Brown, had awaited the arrival of recruits from New Orleans.† May sixth the recruits came; on the seventh Taylor started for Fort Texas, and on the eighth encountered the Mexican forces at Palo Alto, fought them, drove them from their position, and encamped on the field.‡ Resuming the march along the Matamoras road the next morning, the American army came on the Mexicans strongly posted in a ravine which crossed the road. During the wet season it was a series of pools. Along its banks grew palm-trees; hence the name Resaca de la Palma—that is to say, Palm Ravine. Protected by this natural trench and aided by a battery so placed as to sweep the road, the Mexicans made a stubborn resistance. But Captain May and his dragoons by a gallant charge took the battery and captured General La Vega; and the army after some sharp fighting stormed the camp and headquarters of General Arista, put the Mexicans to flight, and pursued them to the river.§

Taylor now pushed on to Fort Brown, as Fort Texas was renamed in honor of its gallant defender, and on the eighteenth of May crossed the Rio Grande and entered Matamoras, whence Arista had retreated to Monterey.

Polk, thinking that these defeats would incline even Paredes to end the war, determined to make one more effort, and bade Buchanan write again and propose that negotiations for a peace, just and honorable to both parties, should begin at once.

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* Taylor to the Adjutant-General, May 5, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, p. 293.

† Ibid., p. 293.

‡ Taylor reports his force as 2,300 and his loss as 4 killed and 39 wounded. The Mexicans, he thought, numbered 6,000, with 7 pieces of artillery and 800 cavalry.

§ Taylor to the Adjutant-General, May 9, 1846. Document No. 60, p. 296.

While the letter was on its way to Commodore Conner, to be by him delivered under flag of truce to the Governor of Vera Cruz, another revolution occurred in Mexico. Paredes was overthrown, a provisional government under Salas was set up, and Santa Anna hurried from Havana and was allowed to land at Vera Cruz. There he was received as the hope of Mexico, issued an address to his countrymen, went to Mexico City, and became President *ad interim*. Convinced that peace would be made and territory ceded to the United States, Polk determined to prepare for that event by appealing to Congress for money, and again brought up the plan he had laid aside a few months before by advice of certain Senators. Benton, Cass, McDuffie, and Archer were consulted and approved, and on the first of August the Cabinet agreed that Polk should seek advice from the Senate sitting in executive session behind closed doors. The vote in favor of the grant was more than two to one, some Whig Senators voting aye. Buchanan, therefore, wrote to the Chairmen of the Senate Committee on Finance and the House Committee on Ways and Means, and asked for the money. To this certain Whig Senators objected. If the President wished for the money he must come out into the open, apply for it in a message, and take the responsibility. A message was accordingly sent, two millions requested, and the use to be made of them stated. In any treaty with Mexico a boundary, which neither would ever be inclined to disturb, must be drawn. Any territory ceded ought to be paid for; but it might not be convenient for Mexico to wait for the whole sum till the treaty went into effect.

Two precedents for such action existed: the request of Jefferson in 1903, which was granted, as was another made by him in 1806.* A bill was at once introduced in the House and promptly met an amendment famous in our history as the Wilmot Proviso. † The originator of the proviso was

* Message of August 8, 1846.

† "Provided, That, as an express and fundamental condition to the acquisition of any territory from the Republic of Mexico by the United States, by virtue of any treaty which may be negotiated between them, and to the use by the Executive of the moneys herein appropriated, neither slavery nor involuntary servitude shall

Jacob Brinkerhoff, of Ohio, a warm supporter of Van Buren and a bitter opponent of the extension of slavery. Well knowing that his past record on the Texas issue would bring defeat to the proviso, if moved by him, he persuaded David Wilmot, of Pennsylvania, a man in good standing in the party, to make the motion in the House. An attempt was then made to limit the proviso to territory north of the thirty-six-thirty line. This failed, the proviso was adopted, and the bill thus amended reached the Senate on August tenth, too late for action. On Monday, the twelfth, it was taken up twenty minutes before twelve o'clock, the hour fixed for the adjournment of Congress. A motion was then made to strike it out, and while Davis, of Massachusetts, was speaking against it word came that the House had adjourned and the session ended without a vote.

In this state of affairs the letter of Buchanan reached its destination and was answered by Secretary Rejon.*

It would, he said, be referred to Congress when it met in December. Buchanan replied that the United States had now no choice save a vigorous prosecution of the war till her disposition for peace was met by a like sentiment on the part of Mexico.† And so Polk's second attempt to stop the war ended in failure.

During most of this time Taylor lay at Matamoras waiting for instructions as to his next move. The President had called on the Governors of Ohio, Indiana, Illinois, Missouri, Arkansas, Kentucky, Tennessee, Alabama, Mississippi, Texas, and Georgia for volunteers, and twenty-three thousand men were soon under arms. Some, forming the Army of the West, under Colonel Kearny, were gathered at Fort Leavenworth. These were to march into New Mexico, capture Santa Fé, and go on to California. Some, to be called the Army of the Centre, under General Wool, were to assemble at San Antonio and march to Chihuahua. Others

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ever exist in any part of the said territory, except for crime, whereof the party shall first be duly convicted."

* Rejon to Buchanan, August 31, 1846. Congressional Globe, 29th Congress, 1st Session, Appendix, p. 24.

† Buchanan to Rejon, September 26, 1846. Ibid., p. 24.

were to join Taylor's Army of Occupation, already on the Rio Grande. What this army should do was the subject of earnest consideration. The purpose of the President, Secretary Marcy wrote Taylor, was to conduct such a campaign "as will dispose the enemy to desire an end to the war." * But how should it be conducted? Should a blow be struck at the City of Mexico? Or should military operations be confined to the northern provinces? "A peace must be conquered in the shortest space of time practicable," and Taylor's views of the manner of doing it were requested.† After a month had passed without a word from Taylor, the Secretary wrote again upon the subject. If the obstacles to the conduct of a campaign from the Rio Grande as a base, into the heart of Mexico, seemed too great, the Secretary would consider the question of invasion from Tampico or even from Vera Cruz.‡ Taylor did not favor a move against the City of Mexico from the Rio Grande as a base. The difficulty of feeding the army made such a movement impossible. Operations, he said, should be confined to cutting off the northern provinces, and toward this end an expedition against Chihuahua was important. Tampico could not be held at that season of the year because of yellow fever. But should his army get as far south as San Luis Potosi, from which there was a road, but not for wheels, to Tampico, the possession of that place was to be desired.§

Having decided to attack the northern provinces, Taylor now moved up the Rio Grande to Camargo, made that town a base of supplies, and August fifth began his march for Monterey, the capital of the Mexican state of Nuevo Léon.

The city had a population of some twelve thousand souls, stood on the bank of the San Juan River, and was defended by a number of strong forts that completely encircled it. On the eastern side, on the river bank, was the redoubt Libertad.

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* Marcy to Taylor, June 8, 1846. Executive Documents, 35th Congress, 1st Session, vol. vii, No. 60, p. 324.

† Ibid., p. 325.

‡ Marcy to Taylor, July 9, 1846. Executive Document No. 60, p. 335.

§ Taylor to the Adjutant-General, July 2, 1846. Executive Document No. 60, pp. 329, 332.

Farther down-stream, but still on the edge of the city, was El Diablo with three guns, and in the north-eastern suburbs El Teneria with four guns. North of the city was the Citadel with high, thick stone walls and bastions. To the west, crowning a long hill and commanding the road to Saltillo, was the Bishop's Palace and its protecting works. Across the river on the hills to the south were Federacion and Soldado, whose guns commanded the city and swept the valley of the San Juan.

To these defences should be added the street barricades, and the peculiar construction of the houses, whose stone walls, rising breast-high above the flat roofs, formed a parapet, and turned each dwelling into a small fortress.

Taylor's plan was to make a demonstration in force on the eastern side of the city, while Worth captured the Bishop's Palace on the west, closed the Saltillo road, and cut off the only way of retreat. September twentieth, accordingly, Worth set off, made a wide detour of the north side of the city, and about dusk bivouacked just without range of a battery above the Palace. Before dawn a battery of two guns and a mortar were so planted as to play upon the Citadel. Early on the morning of the twenty-first the fighting began; the battery opened on the Citadel, a force under Colonel Garland advanced on the north-east corner of the city, pushed into the suburbs and gained cover, and from the roof of a tannery poured a deadly fire into El Teneria. A brigade under General Quitman now advanced on that redoubt, and carried it. Hearing of its capture, Taylor sent General Butler to attack El Diablo, but he was forced to fall back. The captured guns of El Teneria were now turned on El Diablo, and an attack made on the rear; but this, too, ended in failure, and as evening was coming on the troops were withdrawn.

Worth began his attack about six in the morning, but finding his advance hindered by the fire from Federacion and Soldado, sent a force against the former. Over the river and up the hill it went in gallant style, and after a stout fight planted the flag on Federacion, and turned its guns on the Palace. Soldado was next carried by assault, and its

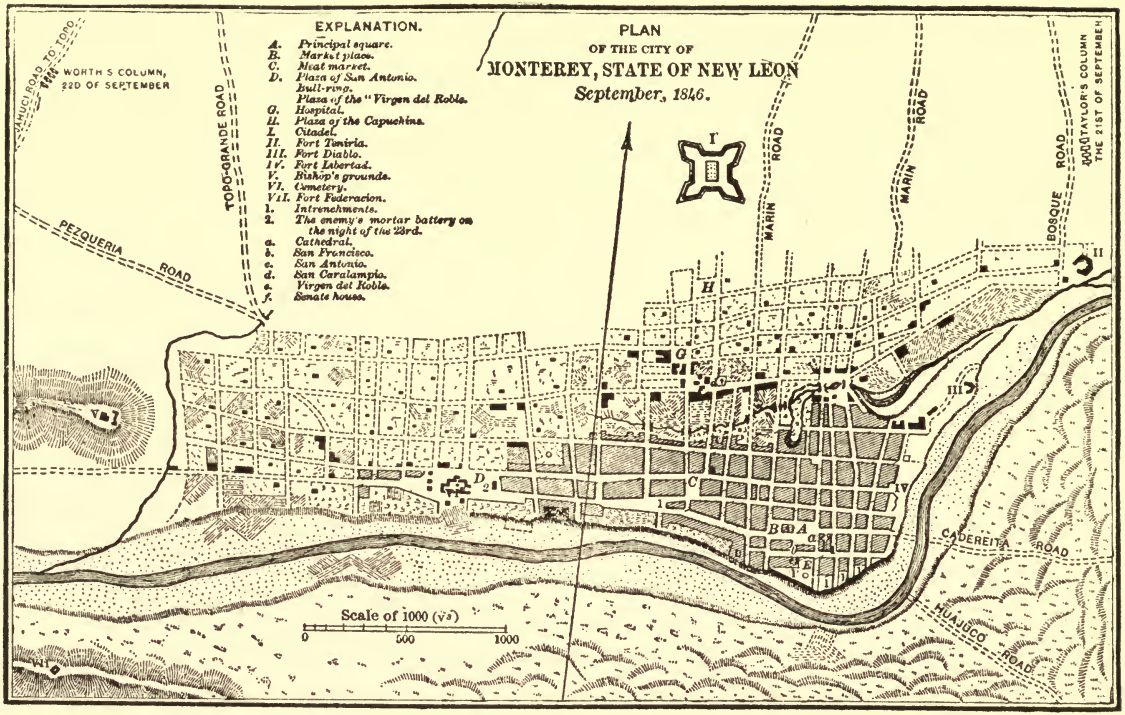
defenders fled down the hillside and into the city. The result of the day's fighting was the capture of El Teneria, the gaining of a foothold on the edge of the city, and the holding of a large part of Ampudia's army at the eastern end of Monterey, while Worth attacked the Bishop's Palace and the capture of Federacion and Soldado.

September twenty-second Taylor ordered should be a day of rest, and no fighting was done on the northeastern side of Monterey. But at dawn on the twenty-third Worth advanced on Independencia, as the redoubt above the Bishop's Palace was called, and carried it by assault. The garrison in the Bishop's Palace now attacked Worth, but his men beat it back, and rushing after the Mexicans entered the gates of the Palace with its fleeing garrison, tore down the Mexican flag, and turned the guns on the Mexicans as they ran down the hill into the city.

So far Taylor's plan had been successful. Ampudia's supplies were cut off, and four strong defences—the Palace, Federacion, Soldado, and El Teneria—were captured. That night El Diablo and Libertad were abandoned. On the morning of the twenty-third Jefferson Davis was ordered by Taylor to take his men into the city as far as he could, and did so by breaking through the walls of houses, clearing the roofs and using them as forts and driving the enemy from house to house and across street after street till he was within one square of the grand plaza, where the main body of the enemy was gathered. General Worth meantime had forced his way in like manner from the west side and was also within one square of the plaza by nightfall.

That night Ampudia asked for terms, and on September twenty-fourth Monterey was surrendered. The Mexicans were to retain arms and accoutrements, one field battery and twenty-one rounds of ammunition, were to evacuate the Citadel, saluting their flag as they left, and were to withdraw from the city within seven days. The American army was not to advance beyond a certain line till the end of eight weeks or until orders were received from Washington.*

* Executive Documents, 30th Congress, 1st Session, vol. vii, Document No. 60, pp. 346–350.


PLAN
OF THE CITY OF
MONTEREY, STATE OF NEW LEON
September, 1846.
EXPLANATION.
A. Principal square.
B. Market place.
C. Meat market.
D. Plaza of San Antonio. Bull-ring.
Plaza of the "Virgen del Roble.
G. Hospital.
H. Plaza of the Capuchins.
I. Citadel.
II. Fort Tenaria.
III. Fort Diablo.
IV. Fort Libertad.
V. Bishop's grounds.
VI. Cemetery.
VII. Fort Federacion.
1. Intrenchments.
2. The enemy's mortar battery on the night of the 23rd.
a. Cathedral.
b. San Francisco.
c. San Antonio.
d. San Coralampio.
e. Virgen del Roble.
f. Senate house.
WORTH'S COLUMN, 22D OF SEPTEMBER
TAYLOR'S COLUMN THE 21ST OF SEPTEMBER
TOPO-GRANDE ROAD
PEZQUERIA ROAD
MARIN ROAD
BOSQUE ROAD
CADEREITA ROAD
HUAJUCO ROAD
Scale of 1000 (Vs)
0
500
1000

With these terms the Administration was much displeased, and promptly ordered Taylor to break off the armistice at once.* This he did, and on November thirteenth entered Saltillo without opposition. Leaving Worth in charge of the place with nearly eight hundred men, Taylor went back to Monterey.

General Wool meantime, with twenty-four hundred men, left San Antonio September twenty-ninth, and on the last day of October entered Monclova, and then went on to Parras, seventy miles north-west of Saltillo. While the forces of Taylor were thus gathered at Monterey, Saltillo, and Parras, an intercepted despatch from Marcy to Taylor revealed to Santa Anna the plans of the Administration at Washington. General Winfield Scott was to lead an expedition against Vera Cruz, and Taylor was to be stripped of the greater part of his veteran troops and ablest generals, in order to increase the forces of Scott. Santa Anna thereupon decided to attack Taylor as soon as his troops had set off to join Scott, and began to gather a great army at San Luis Potosi.

While ignorant of the new plans, Taylor received word that Captain Perry had taken Tampico. This made it advisable to occupy Victoria, the capital of the Mexican State of Tamaulipas. General Patterson was accordingly ordered to march from Matamoras and meet the army under Taylor and Twiggs at Montemoralos. At that town Taylor heard that Santa Anna was about to attack Worth at Saltillo. Sending Quitman on toward Victoria, Taylor now fell back to Monterey, and was marching toward Saltillo when fresh advices assured him that Wool had come to Worth's aid. Again turning back, Taylor hurried to Victoria to find that Quitman had entered the place without opposition on the twenty-ninth of December.†

There he awaited news from General Scott, and was soon dumfounded to learn that he was to be deprived of General

* Marcy to Taylor, October 13, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 355, 356. For Taylor's defence of the terms, see his letter to the Adjutant-General, November 8, 1846. Ibid., pp. 359, 360.

† Ibid. Taylor to the Adjutant-General, December 8, 14, 22, 26, 1846, and January, 1847, pp. 379–389.

Worth and forty-seven hundred veteran troops. Of this he complained bitterly. Had he been relieved from command, had he been ordered to accompany Scott, had he been suffered to retire, not a murmur of complaint would have been made. But to be stripped of almost every regular and half his vet-

THE INVASION OF MEXICO.

eran volunteers and then be expected, with less than a thousand regulars and such raw recruits as might be sent, to hold a defensive line in the presence of an enemy twenty thousand strong, was too much. He felt outraged and mortified by so unprecedented a course.*

* Taylor to Scott, January 15, 1847. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 862, 863.

The troops, however, marched away and Taylor went back to Monterey, advanced to Saltillo with some five thousand men, and pushed on to Agua Nueva, some twenty miles away, and established a camp of instruction. There he remained till the twenty-first, when, hearing of the approach of Santa Anna, he fell back to the pass of Angostura, a narrow defile in the mountains directly in front of the hacienda of Buena Vista, and there awaited the coming of the enemy.

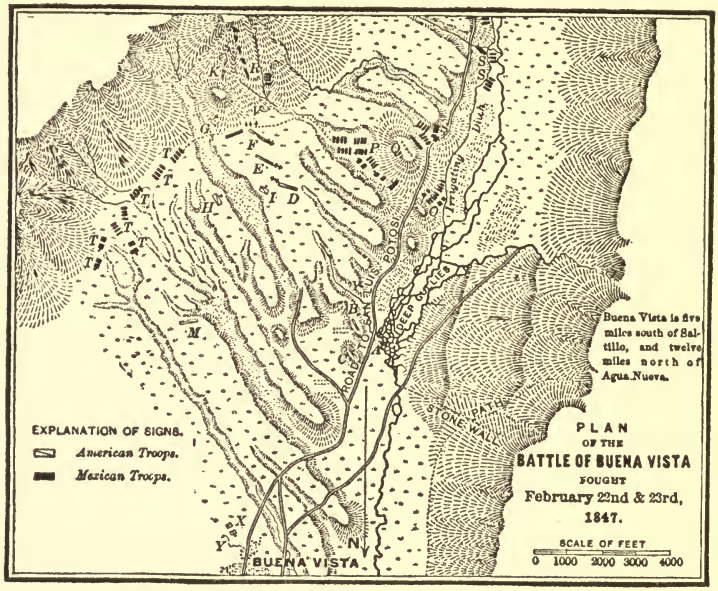
On they came till the morning of Washington's birthday, when the vast army halted about eleven o'clock some two miles from Taylor's line. Santa Anna then sent a despatch under a flag of truce: "You are surrounded," he wrote, "by twenty thousand men, and cannot avoid being cut to pieces. I wish to save you this disaster, and summon you to surrender at discretion, and give you an hour to make up your mind." "Old Rough and Ready," as his men delighted to call him, did not need an hour to make up his mind, but sat down and wrote, "I decline acceding to your request."

The position taken by Taylor was in a narrow valley at the foot of two mountains. Through the valley ran the road to Saltillo, and along this road, on Taylor's right, was a dry arroyo or gully with banks some twenty feet high. At one place in the valley the windings and twistings of the arroyo formed a net-work of deep gullies utterly impassable by troops. Just here on the road was a battery commanded by Colonel Washington and forming Taylor's right; on the left of the road was a high plateau cut by deep ravines at right angles of the road and running back to the mountains, forming a series of parallel ridges. On one of these ridges, near the base of the mountain, was Taylor's left.

The Mexican plan of battle was to attack in three columns. One, under General Villamil, was to come down the road and capture Washington's battery. A second, composed of the troops of Lombardini and Pacheco, was to move across the plateau on the American centre and left. The third, under Ampudia, was to come down the mountain on the American left, join with Lombardini and Pacheco, and the whole force sweep on to Taylor's rear. The American retreat was to be cut off by General Miñon, who, with a body

of cavalry, had been sent through a defile to the plains north of Saltillo.

At dawn of day, accordingly, Ampudia, who had been reinforced during the night, began the attack on the mountain



THE BATTLE OF BUENA VISTA.

A, Defile held by Washington's Battery and two companies of the First Illinois Volunteers; *B*, Six companies of the First Illinois; *C*, Third Indiana Regiment; *D*, Second Kentucky Regiment and Sherman's Battery; *E*, Second Illinois Regiment and first section of Bragg's Battery; *F*, Second Indiana Regiment and three pieces of Washington's Battery; *G*, Kentucky Horse Regiment and one squadron of the Second Dragoons; *H*, Arkansas Horse Regiment and one squadron of the First Dragoons; *K*, Rifle companies of Arkansas and Kentucky Cavalry dismounted, Battalion Rifles Indiana Brigade, and detachment from Second Regiment Illinois Volunteers; *I*, Position of Second Kentucky Regiment, Bragg's Artillery, and detachment of horse, on evening of the 22d and morning of the 23d; *M*, Mississippi Regiment; *O*, Column of attack, infantry and cavalry against A; *P*, Strong column concentrated to force the American left; *Q*, Battery of eight pieces; *R*, Light troops engaged in the mountains; *S*, Reserve; *T*, Mexican columns turning the American left; *V*, Position of Mexican Battery after gaining the left of the American line; *X*, Cavalry from head of column T attacking Buena Vista; *Y*, Springs.

and about sunrise his men rushed down the slope of the ridge into the ravine for the purpose of climbing up the other side and carrying the American position by force. But the battery of Lieutenant O'Brien, planted on the plateau, opened

such a fire of shrapnel on the Mexicans in the ravine that they broke and climbed up the mountain out of range.

While the fight on the mountains was under way, General Villamil formed his column and came down the road to attack Washington's battery at La Angostura; but his force was so cut to pieces that his men scattered and fled to shelter. Lombardini and Pacheco, who had climbed to the plateau, now advanced against Taylor's centre, engaged O'Brien's battery, put to flight one regiment that was supporting it, drove back a second, captured one of O'Brien's guns, broke the line, and cut off Marshall's men from the rest of the army and forced them to fall back step by step down the plateau in the direction of Buena Vista.

Taylor's left was turned and victory seemed sure for Santa Anna; but in the very nick of time "Old Rough and Ready," with May's dragoons and a regiment of Mississippi infantry under Jefferson Davis, came up the plateau and formed a new line at right angles to his first. His right still rested on the road in the pass; his left was a mile away at Buena Vista; his centre, stretching across the plateau, was broken into pieces by the deep ravines that came down from the mountain side. From every point the Mexicans now moved to a new attack. From Buena Vista they swept down on Davis and Lane; they rolled along the mountain face, covered the plateau and foot-hills and filled the ravines. Victory was almost within their grasp. But the batteries under Sherman, Thomas, Reynolds, Bragg, and Kilburn opened with a rapid, ceaseless, accurate fire; the Mexican line was cut to pieces with grape, canister, and shell; the infantry under Davis poured in a deadly fire, and the Mexican column along the foot-hills was broken and fell back on the main line in its rear. And now a large body of the enemy, which had gone along the base of the mountain, gathered on Taylor's extreme left and swept down on Buena Vista, where the trains and baggage were deposited, under the protection of a small force. May with his dragoons and Sherman and Reynolds with their guns hurried to its support; but ere they arrived the attack had been made and the Mexican column cut in two, one part retreating to the base of the mountain and the other

sweeping on past the hacienda to the mountain opposite, followed by the Americans, who had taken refuge at Buena Vista, and shelled by the batteries. Their capture seemed certain; but suddenly four Mexican officers with a white flag galloped toward the American line. When one had been conducted to General Taylor he declared he was sent by Santa Anna to ask "what General Taylor wanted." General Wool was sent to meet Santa Anna, and firing was ordered to stop; but the Mexicans would not cease firing as Wool approached, and the ruse was at once made plain, for during the cessation of Taylor's attack the Mexicans, who were cut off, retreated along the base of the mountain and rejoined the main body.

On the plateau Santa Anna brought his reserves into action, put to flight a small body of Americans that had pushed forward in pursuit of the Mexicans as they fell back toward the mountain, drove them into a ravine, captured O'Brien's guns, and were about to close the mouth of the ravine with a body of lancers and cut off the Americans from escape, when Washington opened on the lancers and scattered them.

While the Americans were fleeing down the ravine the regiments of Davis and Lane and the batteries of Bragg and Sherman were hastening to their aid. Bragg reached the plateau just as O'Brien's guns were taken, and opened on the Mexicans. At the first discharge they faltered; the second threw them into confusion; and now attacked on the flank by Davis and Lane, and cut down by the canister of Bragg and Sherman, who had come upon the plateau, they fell back and the battle of Buena Vista was won.

That night the army of Taylor again slept on its arms fully expecting that fighting would be renewed on the morrow. But Santa Anna retreated in the dark to Agua Nueva, leaving his dead and wounded on the field.

Nearly three weeks now passed away before a schooner from Brazos Santiago arrived at New Orleans with a copy of the *Matamoras Flag* containing rumors of a disheartening sort. Taylor had been beaten by Santa Anna, and driven through the streets of Saltillo to the pass of Rinconada.*

* Matamoras Flag, March 3d, 1847. New Orleans Picayune, March 12, 1847.

Two days later a steamship from Galveston confirmed the rumor and added the information that Taylor in his retreat had lost two thousand men and six guns and was in danger of being cut off from Monterey. Ten days later the news reached Washington and as it spread over the North the Whig press blamed the administration for stripping Taylor of his veterans, and the administration newspapers blamed Congress. In the midst of this dispute as to who was responsible for the defeat of our army and the slaughter of our sons, copies of the *Picayune* reached Washington and Baltimore with the joyful tidings that Santa Anna's army had been cut to pieces by Taylor and his five thousand men.* Then gloom gave way to rejoicings and in every city and town bonfires were lighted and cannon fired in celebration of "Santa Anna's Waterloo," and Whig journals and Whig meetings called vigorously for the nomination of Taylor for the Presidency in 1848.

While "Old Rough and Ready" was winning victory after victory on land, a squadron under Captain David Conner had been active along the Mexican coast. On the outbreak of war he was ordered to keep a strict blockade of all the enemy's ports, and that he might do so, three frigates,† the screw steamer *Princeton,* the side-wheel steamer *Mississippi,* five twenty-gun sloops of war,‡ and five ten-gun brigs § were placed under his command, and were scattered along the coast. But the blockade was far from effective, for the squadron had neither store-ships nor tenders, and, when coal or provisions ran low, each vessel was forced to go to Pensacola, a trip of twenty-five or thirty days. During June and July little was done for want of light-draught vessels to cross the bars, stem the currents of rivers, and tow-boats carrying guns of sufficient calibre to clear the river banks of troops. At last, late in July, three gun-boats arrived; but want of coal rendered them almost useless. Nevertheless, some attacks

*Baltimore Patriot, March 30, 1847. Pennsylvanian, April 1, 1847. New Orleans Picayune, March 23, 1847.

† Potomac, Cumberland, and Raritan.

‡ John Adams, Albany, Falmouth, Saratoga, St. Mary's.

§ Perry, Porpoise, Somers, Lawrence, Truxton.

were made on the enemy. In June the fort at Tampico was shelled and the garrison driven out, which was all that could be accomplished, as none of the vessels could get over the bar. August fifteenth a naval force appeared before Tuspan; but while the *Truxton* was attempting to enter the harbor she grounded within easy range of the shore batteries and was compelled to surrender.

Farther down the coast at Alvarado two attacks were made. The first, in August, was by light-draught vessels which were unable to cross the bar. The second, in October, was also a failure. The *Mississippi* went within range of the batteries and did some damage. But the steamer *McLane,* while towing three gun-boats, ran aground and the vessels returned to anchorage.

Tabasco was next attacked, for it was believed supplies went through it from Yucatan. The town was some seventy miles up the Tabasco River, at whose mouth was Frontera, before which, late in October, Captain Perry appeared with a little squadron of steamers and schooners. A dash across the bar and the capture of the Mexican steamer *Petrita* followed, and Frontera was taken. Leaving a few men to hold the place, Perry went up the river, dropped anchor before Tabasco, demanded the surrender of the town, and, when it was refused, opened fire. A few shots brought an offer to negotiate for terms; but when troops were landed the Mexicans attacked from the chaparral and fighting continued till dark. Next morning the Mexicans fired on the vessels, but their guns were quickly silenced and the town surrendered. Still later in the year Perry seized Laguna de Terminos, in Yucatan.

It is now necessary to describe the operations of the Army of the West organized by Colonel Stephen W. Kearny at Fort Leavenworth in June, 1846. His orders were to march to Santa Fé, capture and garrison the town, and proceed as soon as possible to upper California. Lest his force should not be sufficient, the Governor of Missouri was called on to furnish a thousand men. But Kearny was not to wait for them. As it was known that a large body of Mormons were on the way to California, he was authorized to muster into

service such as would volunteer, but not more in number than one third his entire force.*

This duty Kearny assigned to Captain James Allen, who repaired to the Mount Pisgah Camp and called for volunteers to meet him at Council Bluffs within nine days. Young and the Mormon leaders gave their consent, and in two weeks' time a battalion some five hundred strong was on the march from Council Bluffs to Fort Leavenworth. There it was armed, and in October entered Santa Fé. By that time Kearny had conquered New Mexico and was well on his way to California. He left Fort Leavenworth late in June, camped a short time at Bent's Fort on the Arkansas River, and turning southward, reached Santa Fé on the eighteenth of August and raised and saluted the flag.

Four days later he announced by proclamation that New Mexico had become a part of the United States; that it should henceforth be known as the Territory of New Mexico; that its inhabitants were absolved from allegiance to Mexico and made citizens of the United States, and that a free government should be set up as soon as possible.† Kearny now went down the Rio Grande to visit the towns along that river, explain the intention of the conquerors and, if necessary, pacify the people.‡ On his return he published a code of laws and attempted to establish a territorial government. The code was composed partly of Mexican laws changed to suit the new conditions, and partly of acts taken from the Statute-books of Missouri Territory, Texas, the State of Missouri, and the Livingston Code.§ The organic law was that of Missouri Territory, and provided for the election of members of a general assembly on the first Monday in August, and for the meeting of the Assembly on the first Monday in December, 1847, and every two years thereafter.‖ The code and the organic law having been made public, Kearny set off for

* Marcy to Kearny, June 3, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 242–245.

† Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 170, 171.

‡ Kearny to the Adjutant-General, August 24, September 1, September 16, 1846. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, pp. 169–173, 174.

§ Ibid., September 22, 1846, pp. 175, 176. The code is given in full on pp. 183–229.

‖ Ibid., pp. 177–183.

California with three hundred dragoons, leaving orders for the Mormon battalion to follow, and for Doniphan, when the Missouri volunteers arrived, to join General Wool at Chihuahua.

His route led down the valley of the Rio Grande. When eleven days out from Santa Fé, Kearny was met by Kit Carson, who, with an escort of sixteen men, was on his way to Washington with mail, papers, and despatches from Stockton and Frémont. Carson informed him that California had been conquered; that the American flag was flying at every important place in the territory; that the war was over; that civil government was about to be set up when he left, and that Frémont was to be governor. The information was not correct; but Kearny supposed that Carson was not mistaken, and thinking that his dragoons would be more useful in New Mexico, sent back two hundred to Santa Fé. With the rest, and with Carson and one of his party for guides, Kearny then passed on down the valley to about latitude twenty-three, turned westward, crossed the mountains to the upper waters of the Gila River, rode down its valley to the junction of the Gila and the Colorado, crossed the latter, and turning northward, reached the rancho of Agua Caliente on December second. He was then on the southern frontier of California. From the ranch a letter was sent to Stockton at San Diego, and three days later, when some forty miles from San Diego, Kearny was met by a small party of volunteers under Captain Gillespie. They were sent by Stockton to give Kearny warning of the presence of the enemy.*

The story of the conquest of California carries us back to the early months of Polk's Administration, when the President still hoped to secure that territory by purchase. Our country was then represented on the Pacific coast by Commodore Sloat, who commanded the squadron on the Pacific station, and by Thomas O. Larkin, a prominent merchant and American Consul at Monterey. To both of them during the summer and autumn of 1845 were sent instructions which set forth the attitude of Polk toward California. Sloat was

* Kearny to the Adjutant-General, December 12, 1846. Senate Documents, 30th Congress, 1st Session, vol. i, No. 1, pp. 513, 514.

told that the President desired peace, and that every act that could be twisted to look like one of aggression was to be carefully avoided. Should Mexico be bent on war he was to protect the persons and property of American citizens. Should he learn, beyond doubt, that Mexico had declared war he was to take Yerba Buena and blockade or capture such other ports as his force made possible.*

The instructions to Larkin were full and specific. He had informed Buchanan in recent despatches that the people of California were far from loyal to Mexico; that they might at any moment throw off the yoke of that republic, and that Great Britain and France certainly had designs on California. Larkin was now told by Buchanan that the United States was deeply interested in all this, that it "would vigorously interpose to prevent" California becoming a French or British colony, and that, on all proper occasions he should warn the people and the Government of the danger of European interference, "inspire them with a jealousy of European dominion," and "arouse in their bosoms that love of liberty and independence so natural to the American continent." Should the people "desire to unite their destiny with ours, they will be received as brethren whenever this can be done without affording Mexico just cause of complaint." In the contest between Mexico and California—a contest Buchanan was sure must soon come—the United States, he said, could take no part unless Mexico began war against us. "But should California assert and maintain her independence we shall render her all the kindly offices in our power." With no ambitious aspirations to gratify, with no desire to extend our Federal system over more territory, save by the free and spontaneous wish of the people thereof, our true policy was to let events take their own course. To use force or improper influence to bring about such a result, was repugnant to the policy and principles of our Government. Nevertheless, the President could not see with indifference the transfer of California to Great Britain or any European power. Larkin was to gather and send to the Secretary information concerning American interests in California, and

* Bancroft to Sloat, June 24, 1845.

"the character of the principal persons," and the better to do all this he was made secret agent of the United States, and was to be aided and assisted by Lieutenant Archibald H. Gillespie, of the Marine Corps.* The duty of delivering the letter to Larkin was assigned to Commodore Stockton, who was ordered to sail at once for Monterey; † but a copy was given to Lieutenant Gillespie.

The lieutenant set sail for Mexico, and during the voyage committed to memory the letter to Larkin and then destroyed it before reaching Vera Cruz. From Vera Cruz he made his way, disguished as a merchant, to the City of Mexico, was kept there a month by the Paredes revolution, but at last reached Mazatlan, whence he was carried by the United States vessel of war *Cyane* to Monterey. His stay in Mexico was full of danger, and lest his official papers should fall into the hands of the Mexicans he destroyed them; but he did not destroy a packet of family letters from Benton nor a note of introduction to Captain Frémont from Buchanan.

Safe at Monterey, Gillespie wrote out from memory the instructions to Larkin, and then set off to find Frémont. Early in the summer of 1845 the captain had left Independence on his third journey across the plains, had gone up the Arkansas to its source, had explored the region round about Utah Lake and Great Salt Lake, and by November had traversed what is now Nevada. There the company parted and entered California in two bands. Frémont with fifteen men camped on King's River, and while they awaited the coming of the second party the captain paid a visit to Larkin at Monterey. His arrival was quickly followed by a note from the Prefect Castro to the consul asking why American troops had entered California and why their leader had come to Monterey. Frémont answered that his party was made up of hired men, not soldiers; that he had been surveying a route to the Pacific; that he was bound for Oregon, and had come to Monterey to buy clothes, food, and animals.

The answer was forwarded to Governor Pico, who made no objections, but ordered a close watch on the Americans.

* Buchanan to Larkin, October 17, 1845. State Department MS. Archives.

† Orders to Stockton, October 12, 1845. Navy Department Archives.

Frémont now went back to camp and with his united parties, some sixty men all told, marched toward the coast and entered the Salinas Valley, and was ordered by Castro to leave the department at once. Frémont refused to go, moved his camp to the top of the Gavilan Pass, thirty miles from Monterey, put up a rude defence of logs, raised the Stars and Stripes, and waited for Castro to attack.* Larkin, alarmed at this defiance of Mexico, warned Frémont of his danger, and sent to Mazatlan a call for an American armed vessel,† a call which brought the sloop-of-war *Portsmouth* to Monterey in April.

Ere Castro could gather a force to attack, Frémont broke camp, retreated to San Joaquin River, went slowly northward toward Oregon, and in May was at the north end of Klamath Lake, just across the boundary line. There, on the evening of the eighth, two horsemen appeared with the news that a United States officer with despatches was on Frémont's trail. Frémont with a few men hurried southward, and on the evening of May ninth met Lieutenant Gillespie. Finding it impossible to cross the mountains because of the depth of the snow and the hostility of the Indians, or, as some insist, because of verbal orders brought by Gillespie, Frémont now went back to the Sacramento Valley and camped on Bear Creek, not far from Sutter's Fort, where he began to hear alarming rumors. Numbers of men came to the camp and told him that Castro had ordered all Americans not naturalized to leave California; that if they did not go they would be driven out; that Castro was gathering a force for this purpose; that the Indians had been stirred up to destroy the crops of Americans, and that nothing was left but flight or resistance. General Castro had done none of these things; but the stories were believed and seemed to be confirmed by a report that a band of horses collected at Sonoma were on their way to Castro. Hearing this, some of the men gathered about the camp, set off at once, and in forty-eight hours returned with the horses.

* Larkin to Buchanan, March 27, 1846. Senate Reports, No. 75, 30th Congress, 1st Session, pp. 66, 67.

† Ibid., p. 66. Larkin to John Parrott, p. 66.

That Castro would strike back was certain; not a moment therefore should be lost; so the same party, enlarged in number, started for Sonoma, entered the town early on June fourteenth, captured the place, made prisoners of some high Mexican officials and sent them to Frémont. The captain denied all part or lot in the affair, told the men they were not his prisoners, and sent them to be locked up in Sutter's Fort. At Sonoma, meantime, the rebels under the lead of William B. Ide founded a new republic and adopted a flag. It consisted of a piece of white cotton to the bottom of which was sewed a strip of red flannel. In the upper left-hand corner of the white was painted a red star, and to the right of it a bear, and under the star and bear the words, "California Republic." This was the famous Bear Flag which in time was raised on the flag-staff on the plaza.

As soon as Castro heard of the capture of Sonoma he sent a force under Joaquin de la Torre to retake it. The Bear Flag men at once appealed to Frémont, who entered Sonoma, joined the revolutionists, was made commander of the Bear forces on July fifth, set off the next day for the Sacramento to attack Castro, and by the tenth had camped on the American River near Sutter's Fort. That night a courier arrived with word that war existed between Mexico and the United States, and that Sloat had taken Monterey. He brought with him an American flag which, at sunrise next morning, was raised over Sutter's Fort amid great rejoicings. With this incident the revolt ended.

Had Sloat acted with promptness the Bear Flag revolt would never have happened. During the spring of 1846 he lay with his squadron in the port of Mazatlan waiting for events to take the course that would enable him to carry out his orders. Late in March a rumor of war reached Mazatlan and so alarmed the authorities that the archives were taken from the town. About the same time came Larkin's call for a ship. But it was not till the middle of May, when news of the first fight on the Rio Grande and the capture of Thornton's men reached Mazatlan, that Sloat made up his mind to go to California.* But he did not go, and while he tarried

* Sloat to Larkin, May 18, 1846. Bancroft, History of California, vol. v, p. 203.

heard * of the fights at Palo Alto and Resaca de la Palma. Again he determined to "sail immediately"; again he put off going, and while waiting heard of the capture of Matamoras.

Even then he did not feel justified in "taking possession of any part of California, or adopting any hostile measures against Mexico," as "neither party have declared war." † Scarcely had he thus decided "to be careful to avoid any act of aggression" when he heard of the blockade of Vera Cruz. Then at last he weighed anchor, set sail for Monterey, and on July first dropped anchor off the town, and for six days did nothing. At last he decided to act, sent off orders to the commander of the *Portsmouth* in San Francisco Bay to take Yerba Buena if he had force enough, "or if Frémont will join you," ‡ and on July seventh landed and raised the flag over Monterey, and summoned Frémont to come to him with at least a hundred men.§

The orders to seize Yerba Buena reached the *Portsmouth* in the night of the eighth. Early the next day the flag was accordingly raised and Lieutenant Revere sent off with another to be displayed at Sonoma, whence a courier bore the flag that was raised on July eleventh over Sutter's Fort on the Sacramento. Each flag-raising was followed by the reading of a proclamation in which Sloat claimed California as a part of the United States, told the people they were entitled to all the rights of citizens of the United States, and promised a permanent government under which life, property, and religious liberty should be enjoyed in safety.

In response to Sloat's call Frémont now started southward with his battalion, visited the commodore, and was asked by what authority he had taken up arms against the Mexicans. When he answered that he had done so solely on his own responsibility and without any authority from the Government, Sloat was greatly distressed, said that in capturing Monterey he had acted under the belief that Frémont had orders from

* May 31, 1846.

† Sloat to Bancroft, June 6, 1846. Senate Reports, 30th Congress, 1st Session, No. 75, p. 70.

‡ Sloat to Montgomery, July 6, 1846. Ibid., p. 73.

§ Sloat to Frémont, July 9, 1846. Ibid., p. 74.

Washington,* and remembering the fate of Jones at Monterey in 1842, turned over the command of the squadron to Stockton and sailed for home.† Orders relieving him were even then on their way west.

Once in command, Stockton acted with vigor, received Frémont's men as a battalion of volunteers, sent them by sea to San Diego, and sailed in the *Congress* for San Pedro, the port of Los Angeles where Castro and Pico had joined their forces. Castro, when he heard that the Americans had landed, disbanded his men, and with Pico left Los Angeles a few days before Stockton and Frémont entered it. Stockton now proclaimed himself Governor of California, and having written a report of his doings, sent it overland by Kit Carson, who, on his journey eastward, fell in with Kearny a few miles below Socorro.

Thinking the conquest complete, Stockton now determined to take away his marines and attack the west coast of Mexico. Frémont was therefore made military commandant of California, Gillespie and some fifty men were stationed at Los Angeles, Lieutenant Talbot with a few men was left at Santa Barbara, Frémont with most of his battalion was sent to the Sacramento Valley, and early in September Stockton sailed away from San Pedro in the *Congress*.

But Southern California was not yet quieted, and ere September closed the turbulent part of the people revolted and, led by Captain José Maria Flores, made war on the Americans. Gillespie was driven from Los Angeles and forced to embark at San Pedro; Talbot and his men fled from Santa Barbara to Monterey; the little garrison at San Diego took refuge on a whaler in the harbor; and the victorious Californians set up a government and made Flores governor and commander-in-chief.

Stockton, when he heard of these things, hurried back and by the first of December had reoccupied San Pedro and San Diego, and was about to send Gillespie to attack the Californians in their camp some thirty miles away, when a messenger arrived with a letter from Kearny. Gillespie was

* Senate Reports, 30th Congress, 1st Session, No. 75, pp. 13–32.

† July 29, in the Levant.

thereupon sent to join Kearny, and with him attack the enemy. Kearny was found without difficulty, and the combined forces were on their way to Flores's camp when they came upon Captain Andrés Pico at San Pascual. The fight which followed was short, desperate and bloody, and for a time hand to hand. When it ended the Americans held the field. That night the dead were buried and the next day Kearny marched on to the rancho of San Bernardo, where another fight occurred before he made his camp on the summit of a hill. There he remained on the defensive while Carson and two others set off by night for San Diego in search of aid. At dawn on the eleventh two hundred marines and sailors sent by Stockton arrived, the enemy disappeared, the march was resumed, and the little band entered San Diego in safety.*

The united forces of Stockton and Kearny remained at San Diego till the last day of the year, when the two leaders set out to recapture Los Angeles. On the eighth of January, 1847, when just across the San Gabriel River, they met and beat the enemy, and on the following day on the Mesa, to the north of the river, the last fight between Californians and Americans took place. Again the Californians were worsted and retreated northward, while Stockton went on and occupied Los Angeles. The beaten California leaders surrendered to Frémont at Cahuenga and the military conquest of California was finished.

Before starting for California Kearny had ordered Colonel Doniphan to join General Wool at Chihuahua. Leaving Santa Fé in September, Doniphan went south by way of Albuquerque and Volverde, made a remarkable march across the Jornada del Muerto, a dry and arid desert, to Dona Area, where he was attacked by a force of Mexicans and beat them. At El Paso, which surrendered without opposition, Doniphan stayed six weeks, and early in February, 1847, set off again for Chihuahua. All went well till a place called El Sauz was reached, when the enemy was reported in force at the pass of the Sacramento. They were under the command of

* Kearny to the Adjutant-General, December 13, 1846. Senate Documents, 30th Congress, 1st Session, vol. i, No. 1, pp. 514–516.

General Heredia, numbered some four thousand men, and had strongly fortified the pass. Though outnumbered four to one, Doniphan attacked at once, drove the Mexicans from their entrenchments, scattered them in every direction, and on the following day entered Chihuahua.*

A false report that Wool was surrounded by the enemy at Saltillo prevented him attempting to report to that general till late in March.† When Taylor received a copy of the report he promptly ordered Doniphan to go to Saltillo. Late in April the march was resumed by way of Parras to Saltillo and thence to the Rio Grande, whence the men were carried by sea to New Orleans and discharged.

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* Doniphan's Report. Senate Documents, 30th Congress, 1st Session, No. 1, pp. 495–513.

† Doniphan to Wool, March 20, 1847. Executive Documents, 30th Congress, 1st Session, No. 60, pp. 1128, 1129.

CHAPTER LXXXI

HOSTILITY TO THE WAR

Congress met early in December, 1846, and plunged at once into a bitter debate on the cause and conduct of the war. The annual message, one of the longest which, up to that time, had ever been sent to Congress, was almost wholly a defence of the action of the President toward Mexico. The causes of the war were said to be the long list of grievances against Mexico going back to 1824, the broken promises of redress, the unkept treaties, the refusal to receive Slidell, and the wanton attack on Thornton's men. The right to send troops to the Rio Grande was defended by a long argument to prove that Texas was ceded to us in 1803 with the Rio Grande as a boundary, that the river remained the boundary after our cession of Texas to Spain in 1819, was declared to be the boundary by the Republic of Texas in 1836, was recognized as such in the treaty with Santa Anna, and that up to the day when Texas entered the Union she had asserted and exercised jurisdiction over the country between the Nueces and the Rio Grande. She had marked out counties extending to that river, had set up courts, a custom-house, post-offices, and a land office, and had made grants of land within the disputed territory. Nay, more, by act of Congress in 1845 Corpus Christi, a town west of the Nueces, became a port of delivery, and the country west of that river was part of a congressional district and represented in Congress. All these things had been done before Taylor crossed the Nueces, and his march to the Rio Grande was to defend territory which rightfully belonged to one of the States in the Union. The war had not been waged in the spirit of

conquest, but, having been begun by Mexico, it had been carried into the enemy's country and would be waged with vigor to secure an honorable peace, full indemnity for the cost of war, and the payment of the claims of our much-injured citizens.

One paragraph in the message gave deep offence to the Whigs and all who thought the war unnecessary. "The war," said the President, "has been represented as unjust and unnecessary, and as one of aggression on our part on a weak and injured enemy. Such erroneous views, though entertained by but few, have been widely and extensively circulated, not only at home, but have been spread throughout Mexico and the whole world. A more effectual means could not have been devised to encourage the enemy and protract the war than to advocate and adhere to their cause, and thus give them aid and comfort." Whig after Whig resented the use of the words "aid and comfort." They have been taken, it was said, from the definition of treason in the Constitution and amount to a charge of treason, against any one who dares to question the constitutionality, wisdom, justice, or prudence of the conduct of the President in carrying on the war. But we will not, on that account, fear to speak our minds. We will not fall down and worship the President, nor crouch, with spaniel-like humility, at his feet and whine approval of his acts. We have higher duties to perform, and one of these duties is to inquire how it happens that war was begun; for what purpose is it waged? Is it to conquer a peace? Is it to acquire territory? How much territory does the President intend to annex? Will Congress sanction such annexation? How many millions of public debt are to be imposed upon us?

When the usual motion was made to refer the sundry topics of the message to appropriate committees the opponents of war opened their attack in earnest, and continued it as bill after bill for furnishing war supplies came up for discussion. When those to raise for a limited time an additional military force; to add ten regiments to the regular army; to increase the pay of the army; to establish post-roads in Texas; to provide for the naval service; to appropriate money for the

army—were before the House, the subjects wrangled over were not the merits or demerits of the bills, but the causes and character, the justice and injustice, the necessity of the war. Was it made by the President, or by Congress? Was it a war of conquest or for durable peace and final settlement of boundaries? Did Mexico begin it, or did United States troops invade her soil? The Whigs asserted that it was a President's war, was unnecessary and unjust, had its origin in a quenchless thirst for conquest, and would end in the subjugation of a rival race and the annexation of more territory. It was, they said, wrongfully and unjustly begun by the President at a time when Congress was sitting and without its consent; was a war of conquest started and continued with that end in view; and did not exist by the act of Mexico, nor till Congress declared it, in May, 1846. They objected to it as causing a prodigal squandering of blood and money; because it was an offensive war, and as such ought to be regarded as criminal and barbarous; because the acquisition of territory from Mexico, in order to establish slavery where it did not exist, was a backward step in the march of civilization, and as such was a national calamity; because it was a wicked attempt to force a people into our Union against their consent; because a war between the two largest republics in the world was not likely to aid the spread of civil liberty and democratic government; and because the money foolishly wasted on it would have built a railroad and a telegraph line to Oregon and cut a canal across the Isthmus of Panama. It was the direct outcome of the annexation of Texas, and after the conquest and dismemberment of Mexico it was planned to spread slavery over free soil as the crowning crime of this work of iniquity.

The people of this nation, said Giddings, of Ohio, demand a statement of the purposes of the war. Why are they taxed to maintain an army busy in carrying bloodshed and suffering into the heart of a sister republic? What good are we, the country, or posterity to derive from this vast outlay of blood and treasure on Mexican soil? What great advantage is the human family to get from the slaughter of our Mexican brother or the death of our sons and friends slain

by the sword, or cut down by disease in that pestilential climate? The people demand answers to these questions from the President, and what does he say? That those who oppose the war lend aid and comfort to the enemy! On the sixth of April General Taylor writes that his guns "bear directly on the public square of Matamoras"; on the fifteenth he writes, "no hostile movement has yet been made by the Mexicans," yet he considers "the letter of General Ampudia sufficient to warrant us in blocking up the Rio Grande and stopping all supplies for Matamoras." Is there a civilized nation on earth that will not hold these acts to be actual war? Yet the President says war was begun by the act of Mexico!

The President says the Rio Grande is the western boundary of Texas. True, the Rio Grande from mouth to source was declared the boundary, and all the Mexican settlements, towns, and villages east of that river, with the city of Santa Fé, were all, on paper, declared within the Republic of Texas. This jurisdiction was printed on paper, and paper jurisdiction was the only kind Texas ever had over the Mexicans in the valley of the Rio Grande. Not once did she send an officer west of the desert to collect a tax, serve a process, or execute a law.

Does not the President know, said Mr. Hudson, of Massachusetts, one of the "immortal fourteen," that Santa Fé is on the eastern side of the Rio Grande, and that we have in many ways acknowledged it to be a Mexican city? Does he not know that we interceded with Mexico for the release of Kendall and the other prisoners in the Santa Fé expedition, and that, in the correspondence, we admitted that New Mexico was a part of Mexico? Is he ignorant of the fact that we had a consul at Santa Fé? Has he forgotten that in the act of March third, 1845, relating to drawbacks, we provided that goods sent to Santa Fé in Mexico should be entitled to a drawback? Does he not know that Secretary Walker in February last, when speaking of that act, recognized Santa Fé as a Mexican city? What, then, becomes of his argument, founded on an act of the Texan Congress, that the Rio Grande is the western boundary of Texas? All these facts

and many others, Mr. Hudson asserted, showed beyond a doubt that our claim to the Rio Grande was unfounded. Yet the President, trampling on the rights of Congress and violating the Constitution, had sent an army into the country of a nation with which we were at peace. The general of that army had built a fort and mounted cannon in front of a Mexican city, had blockaded the Rio Grande, and had sent out a force under Captain Thornton, who was believed to have made the attack. The President had then declared that Mexico had invaded the United States and shed American blood on American soil. With all these facts staring him in the face why did he take such a course? Because he wished to mark his Administration by an acquisition of territory. But he says he does not wish to dismember Mexico, and is ready to make peace. On what terms? Why, that Mexico pay the cost of the war! Everybody knows this means she must give up territory, for she has nothing else with which to pay.

The President, said Alexander H. Stevens, has more than once told us that the war is not waged for conquest. Is there a friend of his on this floor who supposes that anybody, familiar with the unparalleled duplicity of his Administration, will do the President the injustice to believe him? Every act of his toward Mexico, before the war began and since the war began, displays his policy too clearly to be mistaken. His orders to our naval squadron in the Pacific in 1845, the governments set up in California and New Mexico, the proclamation of Commodore Stockton, the proclamation of General Kearny, afford confirmation strong as Holy Writ that the President, his denial to the contrary notwithstanding, is looking to the dismemberment of Mexico and the conquest of a part of her soil.

Andrew Johnson, of Tennesee, defended the President. He believed in the boundary of Texas as drawn by her act of Congress. It was the duty of the President to order Taylor to take a position on the Rio Grande. Because of this it had been called the President's war. It was the war of the American people, and the country having become involved in it, he was for his country, right or wrong. He would say, fight

it out till the enemy is forced to make peace and indemnify our Government for the cost.

We are asked, said the friends of the Administration, whose war is this we are engaged in and for what purpose is it waged? It is waged for three purposes: to defend Texas, which Mexico has invaded; to secure indemnity for the spoliation committed on our citizens; and to get back the cost of the war. Congress annexed Texas. Texas claimed, and had long claimed, the Rio Grande as her boundary. Mexico threatened war because of annexation and began to gather a large force and great supplies in that quarter. The President, who was in duty bound to defend Texas, had no choice but to send troops to the Rio Grande to defend her. Whether the Rio Grande or the Nueces was her rightful boundary was not for him to say. It was his duty to make a defensive war, to protect the boundary as claimed by Texas. But after the act of May thirteenth, 1846, the war was taken out of his hands, ceased to be defensive and became offensive. So far as it was defensive, the President acted within his clearly defined duties under the Constitution. After it became offensive, he acted under the authority of an act of Congress. Is this, then, a President's war? It is our war, a war of Congress, waged by the command of Congress and not by orders of the President.

The cause of the war was the annexation of Texas. If annexation were an unjust and unholy act, then is the war unholy and unjust. If annexation were a wise and patriotic act, then is the war just and necessary. We are asked how long and for what purpose is this war to continue? There are three ways in which to end it: withdraw our troops and abandon Mexico, hold the territory we have conquered and fortify its boundary, or go on to the palace of the Montezumas and there dictate peace. The first was out of the question; as to which of the other two should be adopted there was a difference of opinion. A large party in the House was in favor of seizing and holding enough of Mexican territory to satisfy the demands on her, and if she did not make reparation in a reasonable time keep the territory. This, it was said by others, will but furnish a cause for quarrel and make our frontiers

the scene of perpetual strife. Humanity, economy, and national dignity forbid such a course. Our country is at war. We have drawn the sword, our brothers are in the field. To waste time in idle debate is a base shirking of duty. Action —prompt, vigorous, decisive action—is the need of the hour. We must vote money, call for men, fight and chastise the enemy till peace can be made on fair and honorable terms. The President, it was said, is right. Every form of opposition to the war is so much aid and comfort given to the enemy. Gentlemen denounce the war as unjust, the march of our troops to the Rio Grande is called an invasion of Mexico, and the demand for indemnity is unusual, oppressive, and unjust. Do gentlemen suppose these charges are not heard in Mexico? And what will be the effect on the enemy? Why, they will believe that if they do but hold on a little longer a new order of things will come about, our troops will be withdrawn, their provinces given back, their debt left unpaid, and no indemnity will be demanded.

The opposition of the Whigs was likened to that of the Federalists to the war with Great Britain in 1812, and those who, having voted for the act declaring that war existed by the act of Mexico, now called it a President's war and sought to prevent the passage of supply bills, were jeered at as Mexicans.

The Whigs, however, stood firm, and expressed their dislike of the war in all sorts of resolutions. One asked the President to state whether he did or did not intend to prosecute the war for the permanent conquest of New Mexico, Chihuahua, Nuevo Leon, Tamaulipas, and San Luis Potosi. Another asserted that when Mexico accepted the Rio Grande as a boundary peace ought to be made, because it was un-American to obtain territory by conquest save in self-defence. Another that the President be requested to withdraw the troops from the west to the east side of the Rio Grande and discharge the volunteers. Others that the harbors on the Gulf and Pacific coast of Mexico be blockaded and ports of entry and the custom-houses be seized and held till Mexico settle all questions in dispute; that the war was not waged with a view to conquest, or the dismemberment of Mexico

by the acquisition of any portion of her territory; that the desire of the United States was peace, honorable to both parties, a settlement of the rightful boundaries of Texas and provision for the claims of American citizens.

The great debate of the session was over the attempt to add the Wilmot Proviso to the three million bill. Polk, in his annual message, a second time asked for money to meet any extraordinary expenses which might be incurred in bringing the war to a conclusion, and bills appropriating three million dollars were promptly reported in both House and Senate. No sooner did that before the House come up for consideration than Wilmot moved as an amendment what was in substance the proviso which passed at the previous session. He was not, he said, as had been charged, an Abolitionist, and this was no Abolition movement. He was a friend of the South. He stood by the compromises of the Constitution. He would not harm a single right of the South. He was ready, at all times and on all occasions, to uphold the institutions of the South as they existed. But no such issue was involved. The money was to be used to acquire California and New Mexico. Both were free, and it was part of the law of nations that when these territories came to us all laws then existing, and not contrary to their new allegiance, should remain in force. The law which forbade slavery in California and New Mexico would be in force, and what the North asked was, that it should remain in force, that the territory should be kept free and protected against the aggressions of slavery. Free it was and, with God's help, free it should remain.

The people of our whole country, was the answer, are engaged in a war, and the results of their united efforts will be the acquisition of valuable territory. When this is done, and it has become the property of the whole Union, you propose that a large part of the people shall be shut out from all share in the benefits that will flow from its acquisition. Is this right? You say all the North asks is that the Government be neutral. What kind of neutrality do you want? Are you willing to suffer the people to settle this territory and then decide for themselves whether the State shall be slave-

holding or free? That would indeed be neutrality. That would really be taking no part or lot in the matter. But no; the North steps forward and calls on the Government to keep this whole territory forever free. You are constantly telling us that the people of the North are happier, more prosperous, more enterprising than their brethren in the South; that the South has lost her energy. If so, why will you not meet us in a fair and open contest which thrift and energy will decide? Throw open this territory and let the weak and enervated South meet you in all your strength, and the palm shall cheerfully be yielded to the victor. This question settled, there is no other that can ever disturb the harmony of the Union, and whenever a compromise line shall reach the Pacific the question is settled forever.*

When the Oregon bill was under debate in this House, it was answered, gentlemen from the South claimed that the Missouri compromise line was intended to extend to the Pacific. Grant this and what follows? Why, that Southern men have repeatedly attempted to infringe on it. Twice have Oregon bills passed this House under a yea and nay vote, and each time every Southern man on this floor, save five in one case and six in the other, voted against incorporating into the bill the antislavery provision of the Ordinance of 1787. If, then, it be true that the spirit, if not the letter, of the compromise of 1820 runs across the country on the line thirty-six-thirty, the South has been the first to violate it.†

From the foundation of the Republic, was the reply, the North and the South have been marching toward the West with giant strides, each step a State. One of these two mighty floods of population you now propose to stay with a paper barrier. No one who knows the character of our people can believe this to be possible. In this great march of two republics you could never have enforced an arbitrary line had you not drawn it near the natural limit north of which slave labor never can be carried. Had it been for the interests of the American people that slavery should exist

* Speech of Howell Cobb. Congressional Globe, 29th Congress, 2d Session, pp. 360–363.

† Speech of Mr. Brinkerhoff. Ibid., p. 378.

north of thirty-six-thirty your compromise line would have been idle. This proviso, then, is idle, wild, and visionary. Even if it could be enforced, to do so would be unwise, unjust, unnatural, unstatesmanlike. Your avowed purpose is to end slavery, get rid of it, in the Southern States by making it valueless by reason of the increase of slaves therein and the absence of all outlet. The final result will be the abandonment of the slave States by the whites to the blacks, and the extinguishment of the white population in half our country. You will then have destroyed the right of your children and our children to the fruitful soil and genial climate of our country from the Delaware to the Rio Grande, from the Chesapeake to the Arkansas. You will have given it over to a people incapable of self-government, who never dwelt in order, peace, or social intercourse save in a state of slavery —a people who, semi-barbarous and ungoverned, must, in the absence of white influence, lapse into complete barbarism.*

But there is another view of this question. By whom is this territory, if acquired, to be bought? By the whole Union. From whence comes the money? From the treasury of the whole Union; Now, that treasury is supplied in large measure by the duties on imports. What pays for these imports? Our exports to foreign countries. Now, during the last four years cotton, exclusively the production of the slave-holding States, has formed more than one half of the entire domestic exports of our country. Here then is the South supplying the medium in which more than a half of the imports, on which duties are levied, is paid. Is it fair, then, that territory acquired by the common blood and treasure of the Union should be set apart for the sole use and settlement of a part of the Union? This same question agitated our country in 1820. It was then agreed that all south of thirty-six-thirty should be given to the South, and all north of that line exclusively to the North. This was a fair, just, and honorable compromise, and will be just as fair and honorable if applied to New Mexico and California. Such a compromise is as necessary to-day as it was in 1820. Any

* Speech of Mr. Brackenbrough. Appendix, Congressional Globe, pp. 375, 376.

reason for the compromise of 1820 is a good one for another compromise in 1847.

The proviso is not unfair, or unjust to the South, was the answer. Southern men, under the proviso, could go to California and take with them any property that Northern men could take. What the Southern men want is to take to this territory slave property which the Northern man has not, and would not have if he could, and in conscience could not have if he would. Man cannot hold property in man. Slaves are not property save in slave-holding States.

When the vote on the adoption of the proviso was taken the yeas were one hundred and fifteen and the nays one hundred and six. The Senate did not consider it.

While the House was discussing whether the territory which it believed was to be acquired by the use of the three million dollars should be open or shut to slavery, the debate on the Senate bill was turned into a discussion of the conduct of the war. Two proposed amendments set forth the two prevailing views. One, offered by Berrien, declared it to be the true intent and meaning of Congress, in appropriating the money, that the war ought not to be waged for the dismemberment of Mexico, or the acquisition of any part of her territory, but that the Government was ready to make such a peace as should be honorable to Mexico, settle the boundary of Texas, and provide for the prompt payment of the claims of our citizens on Mexico.

The other, offered by Cass, declared it was the true intent and meaning of Congress that, as Mexico had begun the war, it should be vigorously prosecuted to a successful issue, and that a reasonable indemnity should be paid by Mexico for the wrongs she had done the Government and citizens of the United States.

After the debate had dragged on for nearly a month Cass withdrew his amendment, that of Berrien was rejected, and the bill appropriating three million dollars went to the House. In the House, on the last day of the session, an attempt to add the Wilmot Proviso was defeated, and the bill passed as it came from the Senate.

From time to time, in the course of the session, resolu-

tions were received from the legislatures of nine States concerning the conduct of the war, the annexation of territory, and the exclusion of slavery therefrom. Of these both Calhoun and Webster took note.

A solemn assertion, said Calhoun, has been made from the floor of the Senate that all parties in the free States have come to a fixed determination on two issues. One is, that not another slave-holding State shall come into the Union. The other is, that slavery shall not hereafter exist in any of the territories of the United States. Since that declaration was made we have received abundant proof that it was well founded. Seven States, just one half of the non-slave-holding, have sent resolutions expressing the same sentiment; two resolutions to carry the compromise line to the Pacific have been voted down, and a bill has come up from the House forbidding the extension of slavery to any territory which may hereafter be acquired by the United States. There is no mistaking these signs, and it is high time the slave-holding States should take heed of what will happen to them if this threat is put into effect. Of the eight and twenty States, fourteen, counting Delaware, are free, and fourteen are slave-holding. But this equality is confined to the Senate. Of the two hundred and twenty-eight members of the House, one hundred and thirty-eight are from the free States and ninety from the slave-holding, a majority of forty-eight. In the electoral college one hundred and sixty-eight votes are cast by the free, and one hundred and eighteen by the so-called slave States, a majority of fifty. Iowa is already a State, Wisconsin will be here next session, and there will then be a clear majority of four votes, in this body, from the non-slave-holding States, which will sway every branch of Government at their will and pleasure. Besides Iowa and Wisconsin twelve more States of the largest size may be carved from the territory already ours, and without reference to any to be taken from Mexico. How, then, will we stand? Fourteen slave-holding States, for we are to be fixed, limited forever, and twenty-eight free States! Is there any remedy? Does the Constitution afford any remedy? No, it does not. There is a Federal Constitution. The States, not the people,

are its constituents. It was formed that every State, as a constituent member, should have all its advantages and enjoy them freely. The whole system is based on perfect equality between the States. How then do we stand as to this territorial question, this public domain of ours? What is it? It is the common property of the States. It is called the territory of the United States, of the States united, and is to be held for their common use. Let us be done with compromises. Let us go back and stand on the Constitution. A compromise is but an act of Congress, may be overruled at any time, and gives us no security. The Constitution is a rock on which we can stand.

Calhoun then sent four resolutions to the table to be read. They declared that the territories were the common property of the States; that Congress could not deprive any State of its equal right in any territory acquired or to be acquired; that a law depriving the citizens of any State of their right to emigrate to any territory with their property would be a violation of the Constitution and the rights of the States; and, finally, that Congress could impose on a State at the time of admission into the Union no other condition than that its constitution should be republican in form.

In the closing days of the session it became the duty of Webster to present the resolutions of Massachusetts, and it was on this occasion that he warned his countrymen of evil days in store. We are, said he, in the midst of a war of which no one sees the end, no one counts the cost, of a war waged for the acquisition of territory. Under the circumstances seven or eight of the free States have remonstrated against a war for such an end. Before the territory is actually acquired they beseech us to give up an object so full of danger. One and all, they cry out against the spread of slavery. One and all, they call on the representatives from the free States to take security in advance that no more slave States be added to the Union. And yet ingenuity is taxed to show that these resolutions are not what they seem to be, do not require immediate support or present opposition; look to some distant future, some emergency yet to arise, and do but refer to the use of territory after it shall be acquired. Not so. If

anything is certain it is, that the whole North is utterly opposed to the acquisition of territory to be made into slave-holding States. Yet, in the face of this, Northern Democrats had voted down the amendment to the three million bill offered by Senator Berrien. It was supported by the votes of twenty-four Senators and defeated by the votes of twenty-nine. Six of these came from Maine, New Hampshire, Connecticut, New York, and Pennsylvania. Had the six voted for the amendment, and against the acquisition of territory, such acquisition would have been denounced beforehand by nearly two thirds of the Senate, and the question of more slave States would have been settled forever. I fear, said Webster, we are not yet arrived at the beginning of the end. I can see but little of the future; but that little gives no gratification. All I can scan is contention, strife, and agitation. Before we can obtain conquered territory there must be a cession. A cession can only be made by treaty. Will the North consent to a treaty bringing in territory subject to slavery? We have suffered to pass the golden opportunity for securing harmony and the stability of the Constitution. We seem to be rushing on perils headlong, and with our eyes wide open. But I put my trust in Providence and the good sense of the people who will, I hope, arouse before it is too late.

The rejection of the proviso was a triumph for the South. Nevertheless, the struggle it caused and the principle it embodied alarmed and angered the slave-holding section. When Congress adjourned and Calhoun came home, the people of Charleston thanked him for his services in defence of the rights of the South, and invited him to be present at a meeting called to denounce the action of Congress on the proviso. He came, listened to the report of a committee, and made a speech.

The report set forth that proceedings at Washington and in the free States, during the past year, the tone and temper of the Northern press, and the resolutions of Northern legislatures, showed plainly a fixed purpose to shut slavery out of the territories, and to admit into the Union no State whose constitution did not forbid it. The first indication of this

purpose was the introduction of the Wilmot Proviso in 1846. The second was the bill reported, at the late session, for the organization of territorial government in Oregon excluding slavery, and making no mention of the Missouri compromise line. This was intended as the announcement of a principle, the principle of the Wilmot Proviso, that slavery should be shut out of all the territories of the United States. The high latitude of Oregon, the nature of its products, removed all fear that slavery could ever be introduced there. Nay, the good faith of the South was a pledge that she would never ask for the extension of slavery beyond thirty-six-thirty, and, as if to remove all doubt as to the purpose of the restriction, when an amendment extending the compromise line to the Pacific was offered to the Oregon bill, it was rejected by a large majority.

The third indication was the motion to introduce the three million bill with the Wilmot Proviso, in substance, attached. It failed, indeed, because the two-thirds vote necessary to grant leave could not be obtained. But this motion of Mr. King, of New York, was followed by Mr. Wilmot's renewal of his proviso, which was carried, and the bill sent to the Senate. There it was defeated; but the speeches of Northern Senators who voted against it prove that they opposed it because it was not the fit time and occasion to carry out the policy it embraced, and that when the territory is acquired they will be united with the other Senators from the non-slave-holding States.

A fourth indication of the purpose was evinced in the tone of the press, both Whig and Democratic, in the non-slave-holding States, which left no doubt that the people upheld the action of their representatives.

A fifth indication was the resolutions of New Hampshire, Vermont, Massachusetts, Rhode Island, New York, New Jersey, Pennsylvania, Ohio, and Michigan. These States had not only approved the Wilmot Proviso, but had called slavery "a great calamity," "an immense moral evil," and protested against its further extension.

Do not these acts prove that a good majority of the people of both parties and of all parties in the non-slave-

holding States are determined that slavery shall not be spread beyond its present limits, that hereafter it shall not exist in any territory, and that no slave-holding State shall ever again come into the Union? Under the Constitution the South has a right to an equal share in the territories, and utterly denies the right of Congress to exclude a new State because of the existence therein of any domestic institution which was tolerated in the original thirteen.

At the end of the report the committee offered three resolutions. The first declared that to submit to the proposed exclusion from an equal share in the territories, beyond what was already yielded by the Missouri Compromise, would be dangerous, dishonorable, debasing; the second that the issue was above all party consideration, and that he who faltered was recreant to the memory of the past, to his duty in the present, and was a traitor to posterity; the third heartily approved the resolutions lately passed by the House of Delegates of Virginia.

These Virginia resolutions denied that Congress had any authority over slavery, and declared that under no circumstances would Virginia consider as binding any act of Congress which excluded slavery from any territory acquired by conquest or treaty. Each and every citizen of each and every State had a right to live with his property of every sort in any territory conquered by the armies of the United States or acquired by treaty with a foreign power. The passage of the proviso made it the duty of the slave-holding States and all their citizens to take firm, united, and concerted action.*

In the course of his speech Calhoun asked what was the origin of this crusade against the peculiar domestic institution of the South? It did not, he said, arise from hostility of interests, nor from any fear that the slave-holding States would acquire undue power in the Union, but from the activity of a certain class of persons in the non-slave-holding States. In reference to their views on slavery the people of the free States might be divided into four classes. One, the Abolitionists proper, the rabid fanatics, looked on slavery as a sin to be destroyed even if destruction spread to the Constitution and

* Niles's Register, March 20, 1847, pp. 39, 40.

the Union. A second class consisted of the great body of citizens, seven eighths of the whole, who while ready to aid in stamping out slavery when it could be done consistently with the Constitution, did not think it a sin to be put down by all or by any means. The third, a small class, viewed slavery as Southern men did, as an institution, and the only institution, by which the two races could live in peace, and believed its abolition would end in the ruin of the one or the other. In the last class were the political leaders, their partisans and followers, men utterly indifferent about slavery and ready to take either side which seemed likely to serve their purposes. Clearly the Abolitionists were those who had given the impulse that had set in motion the crusade against the domestic institution of the South. As the Abolitionists labored for the destruction of slavery, so let the South labor for its preservation. Delay, hesitation, want of union would in the end be fatal. The danger was of a sort which could not be tampered with in safety. If not met promptly, the two sections of the Union would draw more and more apart till nothing was left to the South but to sever all political ties, or sink down in abject submission.

When the resolutions of Virginia were received by the Governor of Mississippi he wrote back to the Governor of Virginia that the South must be united, and would be united, in the next presidential election if the issue was not withdrawn by a pledge not to meddle with slavery during the presidential term. No sympathizer with the Wilmot Proviso ought to have—nay, could get—one electoral vote from the Southern States. The South might not be in favor of acquiring slave soil. She might be in favor of the Rio Grande up to the line thirty-six-thirty and by it to the Pacific as a western boundary. But she would not submit to be told that slave territory is not to be acquired on either side of that line. The South had not asked for partial legislation to protect her labor. All she had asked was to be let alone. A request so reasonable, so easily granted, surely would not be refused.*

The Alabama Democratic Convention denied that the

* Niles's Register, May 22, 1847; Richmond Enquirer, May 12, 1847.

General Government could deprive any State of its full and equal right to any territory that might be received from Mexico, believed that the Wilmot Proviso was a denial of Southern equality and tended to overthrow the Union, and concurred in the resolutions of Virginia.*

The Governor of New Hampshire, in his inaugural address, upheld the proviso as an expression of the fixed and unalterable determination of the members of Congress from the free States to oppose the further spread of slavery, and the further acquisition of slave territory. The response of the Democratic members of the legislature was a resolution that all free soil acquired by the United States should remain free; that they were opposed to the spread of slavery over such territory and approved the vote of New Hampshire's representative in Congress in favor of the Wilmot Proviso.† The Democratic Convention of Georgia held that it was the imperative duty of the slave States and their citizens to take firm, united, and concerted action, and that the Democratic party in Georgia should support no presidential candidate who would not clearly, unequivocally, and unconditionally declare his opposition to the proviso.

The Whigs of Putnam County, Georgia, thanked Calhoun for his stand on behalf of Southern rights, and his resolutions against the proviso.‡

Maine resolved that in acquiring any free territory by purchase or otherwise it was the duty of the General Government to spread over it the Ordinance of 1787 with all rights, privileges, and conditions. The Washington *Union*, the organ of the Administration, warned the North that the benefits of the Union must be shared by all alike, that the South would accept nothing less, and that in place of the Wilmot Proviso the North must adopt that spirit of compromise which had twice been resorted to in times of trouble. The *Evening Post*, the Administration paper in New York, cried out against the sectionalism of the *Union*. The course upheld by that journal was hostile to the interest of every freeman

* Niles's Register, Montgomery Advertiser, May 8, 1847.

† Niles's Register, July 31, 1847, p. 339.

‡ Ibid., July 24, 1847, p. 323.

in the North, hostile to the views of the citizens of Delaware, Western Virginia, Kentucky, Missouri, parts of North Carolina and Tennessee, and hostile to the unbiased opinions of thousands of voters in the slave-holding States, who had no interest in that peculiar kind of property. This charge of sectionalism the *Union* denied. Our proposition is, said the editor, that Congress ought not to hinder the various interests, institutions, and populations of the two sections from sharing the territory between them. The Constitution was formed in the spirit of compromise, and the same spirit ought to rule in the administration of the Government as in its formation. The State *Journal*, a Columbus newspaper, was against all further acquisition of territory. A large part of the American press had adopted as a motto, "No extension of slave territory." The *Journal* was opposed to any widening of our present limits. Exclude all extension of territory and a great "bone of contention fraught with the evils of Pandora's box" would be taken from the people, and all wrangling and debate as to whether territory yet to be acquired should be slave or free would be silenced. The Richmond *Whig* held like views. There was, it said, but one way to defeat the purpose of the anti-extension-of-slavery agitators. Let every lover of the Union, every true-born American, resist the acquisition of more slave soil. "Like the Trojan horse, this fatal gift of Mexican territory is fraught with danger and death."

Buchanan, in declining an invitation from the Democracy of "old Berks" to attend their Harvest Home Celebration, gave two reasons why he opposed the proviso. In the first place, by the Missouri Compromise, slavery was forever prohibited north of thirty-six-thirty, while south of that line the question was to be decided by the people. In his opinion the harmony of the States, and even the security of the Union, required that the compromise line should be extended to any new territory which might be acquired from Mexico. In the second place, neither the soil, the climate, nor the agriculture of California south of thirty-six-thirty was adapted to slavery. It was morally impossible, therefore, that a majority of the emigrants to California south of thirty-six-

thirty, settlers drawn chiefly from the Eastern, Middle, and Western States, should ever reëstablish slavery within its limits. Should territory be acquired beyond the Rio Grande and east of the Rocky Mountains it was still less likely that slavery could flourish there, for the people were a colored race and among them the negro was not a degraded creature. The question was not one of practical importance. Agitation of it could but alienate the people of the North and South, stir up sectional jealousies, distract and perhaps destroy the Democratic party, and bring ruin to our grand experiment in self-government. As a toast, therefore, he proposed, "The Missouri Compromise. Its adoption, in 1820, saved the Union from threatened convulsion. Its extension, in 1848, to any new territory which we may acquire will secure the like happy result." *

Buchanan's advice to draw the Missouri Compromise line across the country, not yet ours, to the Pacific was warmly approved by the Washington *Union* and by the Baltimore *American*. A compromise of some sort, said the latter, must be made. It was by concessions that the Missouri question was settled, and the action of the General Government, whenever it relates to slavery, must follow the same wise course. Nothing is to be gained by urging the extreme of either side. Has this been observed? said the Cincinnati *Gazette*. Did the compromise stand when, in 1836, the limits of Missouri were extended, and slavery was admitted into territory from which, by the Missouri Compromise, it was forever excluded? Has it ever stood, or will it ever stand, when it suits the slave power to disregard it?

Now what, said the Charleston *Mercury*, does this proviso propose? Nothing less than to impose on a great tract of country a disability which is to be the fundamental law as well of future States as of the territory. The sole object of restriction is to deprive these new States of certain political power possessed by the old States. Such inequality is contrary to the whole structure of our Government. It is saying to these States, though New York and Virginia may do with slavery as they please, you shall not touch it, and

* Niles's Register, September 4, 1847.

this shall be a condition of your admittance into the Union. Reject it and you cannot enter.

The Buffalo *Courier* thought that if territory favorable to the existence of slavery were acquired, the proposed bar neither would, nor could, keep it out. It might, indeed, be excluded in form before State governments were made; but after that time it would exist or not, just as the people willed. The territory to be taken from Mexico, however, was such that the climate, soil, and productions would exclude slavery. Therefore, the Wilmot Proviso was useless for two reasons: because it was unnecessary, and because it would be powerless. The Boston *Times* thought the proviso all humbug and not worth the paper on which it was written. If California is to be added to our territories, said the *Anglican Reporter,* a New York Administration paper, it must come in as a domain the air of which cannot be breathed by a slave. The majority has made up its mind, and every day that determination grows stronger. The minority will be angry, vehement, and loud; but it will submit without any attempt to rend asunder the Union.

When the Massachusetts Whigs met in convention to nominate candidates for Governor and Lieutenant-Governor they resolved, and declared they wished the resolution to go on record, that Massachusetts would never consent that Mexican territory, however acquired, should become a part of the Union save on condition that there should be neither slavery nor involuntary servitude, therein, otherwise than in punishment of crime. The Democratic State Convention in New York was thrown into confusion and uproar by an attempt to secure an indorsement of the Wilmot Proviso. A resolution was offered setting forth that white labor could not thrive on the same soil with slave labor, that it was neither right nor wise to devote the temperate climate and fertile soil of free territory, to be hereafter acquired, to slave labor to the exclusion of free labor; and that, while the Democracy of New York would maintain with inflexible firmness the reserved rights of the States, it declared uncompromising hostility to the extension of slavery to territory now free by the act of the General Government. To this Mr. David Dudley Field

offered a substitute, which declared it the duty of northern Democrats to resist every act of the General Government to put slavery into free territory hereafter to be acquired. Amid a scene of confusion the previous question was moved, the Chairman ruled that this motion cut off Mr. Field's substitute, the convention sustained him, and the Wilmot Proviso was practically voted down. This triumph of the Hunkers was loudly denounced by the Barnburners, and a convention of Barnburners was demanded. A mass-metting of the party was accordingly held at Herkimer late in November, was addressed by Wilmot and John Van Buren, and resolved that in Oregon, and in any territory hereafter acquired by the United States on this Continent, neither slavery nor involuntary servitude, save in punishment of crime, should be allowed while it remained under the dominion of the Union. A State convention of Barnburners was then called to meet at Herkimer on Washington's birthday, 1848, and elect delegates to the Baltimore Convention.*

The Democratic party in New York was now rent asunder, ten Democratic county conventions declared for the Wilmot Proviso, and when the election came off in November the Whigs swept the State. Millard Fillmore, Whig candidate for Comptroller, led the ticket.

The New York Whigs in convention assembled protested in the name of the rights of man against the further extension of slavery in North America. The Union as it was, the whole Union, and nothing but the Union, they would stand by to the last; but no more territory unless it was free.

At a Wilmot Proviso meeting held at Greenville Court-House, South Carolina, the speaker of the day asked his hearers if, in the event of Congress adopting the principles of the proviso, they were ready to dissolve the Union. I am, said he. In rational attachment to the Union, he yielded to no man. He well knew the great advantages of the Union under the Constitution. But there were cases, and the adoption of the proviso would be one, when it would be well for the South, like the strong man of old, to involve her op-

*The Great Issue; or, The Three Presidential Candidates, etc. A. C. Gardiner, 1848, pp. 49–72.

pressors in a common ruin. He would not take Mexican territory beyond the Rio Grande, because we had no right to take it, because the country would be useless, because the non-slave-holding States already had a dangerous supremacy, and because slavery could never exist in New Mexico and California. Both climate and soil were hostile to it.

The people of Barnwell District, South Carolina, complained not only of the Wilmot Proviso but of the legislation of Pennsylvania, and other States, against the return of fugitive slaves. These things, it was said, would justify South Carolina in shutting her ports to their ships and commerce. This was the rightful remedy. But love of the Union and the hope that gentler measures would be enough led them to take a milder course. Let the slave-holding States unite, and show that they were resolved, at all hazards, to stand by their perfect equality and enforce the constitutional guarantee in their favor. But how could the slave-holding States be united? By breaking down party considerations in connection with the presidential question; by setting up, at Washington, a newspaper pledged to keep the slave-holding States informed of all movements against them, and by a watchful jealousy of the party convention called to nominate a President. To refuse to support a candidate who accepted the Wilmot Proviso would not be sufficient. Delegates from the slave-holding States must refuse to sit in convention with the Preston Kings, the Wilmots, the Hannibal Hamlins and the like, all of them as deadly foes of the South as Giddings and Garrison. Such association was degrading and debasing. Still another means of uniting the South was a convention of the slave-holding States. Should such mild measures fail, it would then be time to apply the final remedy and exclude the ships and commerce of the North. The Wilmot Proviso was declared a violation of the Constitution, and contrary to the equality of the slave-holding States as members of the Union. The act of Pennsylvania, and like acts of other States, passed to hinder the return of fugitive slaves, were as palpable violations of the Constitution and as dangerous in their consequences as the Wilmot Proviso. The proposal to start a southern newspaper in Washington, to vote for no candidate for

President who did not openly disavow the proviso, and to unite and rally in defence of the constitutional rights of the South, were heartily approved.*

Senator Cass believed that the question of slavery should be left to the people in the territories to be settled as they saw fit. Congress could not regulate slavery in the States, and there was nothing in the Constitution which gave it power to do so in the territories. The express power to make "needful rules and regulations and dispose of the territory and other property" referred to public lands, arsenals, forts, dock-yards, and what not owned by the United States. If the relation of master and slave might be regulated or dissolved by Congress, so might the relations of husband and wife, parents and children. The Wilmot Proviso, if adopted, would weaken the Union of the States, sow the seeds of discord, and could not operate on any State formed out of new territory. The sovereignty recognized as belonging to a State would sweep away such a barrier and leave the people free to do their pleasure. More than this, he did not believe slavery could exist in California and New Mexico. The question there was not the exclusion of slavery from regions where it then was, but its introduction into territory where, from the law of nature, it was morally impossible, as Buchanan said, that it should ever be reëstablished.†

While the people were thus debating what should be done to Mexico, whether any of her territory should be taken, and if taken, whether all or a part should be free soil, Congress reassembled and was told by Polk in his message that Mexico must indemnify us for the long overdue claims of our citizens and for the cost of the war. She had no money and must pay in land. A cession of territory had therefore been demanded. To refuse to receive it would be to abandon our just claims and wage war without a purpose. That Congress intended to acquire territory was certain. It had, in May of 1846, appropriated ten million dollars, authorized him to use the military and naval forces of the United States, and call into service fifty thousand volunteers; and at the

* Niles's Register, October 23, 1847.

† Ibid., January 8, 1848, pp. 293, 294.

late session had made additional appropriations and provided for raising more troops to prosecute the war. And was all this done with no intention of demanding indemnity? Congress had appropriated three millions of dollars to enable him to make peace, well knowing that the object of the appropriation was to obtain a cession of territory. The doctrine of no territory was the doctrine of no indemnity, and, if sanctioned, would be a confession that the war was wrong, unjust, and should be abandoned. Our terms were most liberal. They were, the Rio Grande to about thirty-two degrees and such a line westward as would give us New Mexico and the two Californias, and the right of way across the Isthmus of Tehuantepec. The value of this territory might well exceed our just claims for indemnity. Our commissioner was therefore authorized to offer such a sum of money as might be reasonable.

These terms Mexico had rejected, and having refused all indemnity, it became our duty to indemnify ourselves and take and hold forever a part of her territory. Never at any time had he contemplated a permanent conquest of Mexico, or the overthrow of her existence as a nation. He sought honorable peace with redress for the wrongs she had done us. The way to get this was to prosecute the war to an honorable close. To withdraw our troops, retire to a line and defend it, would not end the war. Such a course would encourage Mexico to go on, would drag the war along indefinitely, and would be the signal for new civil dissensions and revolutions.

The anti-war party—Mexican Whigs, as they were often called—thought otherwise. Indeed, the Whig presses of the Eastern, Middle, and Western States clamored for the withdrawal of the troops and the stoppage of the war, and called on Congress to withhold supplies. We cannot possibly, it was said, look on this war with favor. It is a gross outrage on Mexico, and do Mr. Polk and his advisers suppose that a crime, so unpardonable, can be whitewashed? * Talk of the war as we may, shout, rejoice, illuminate our cities, it is still a war of injustice, of conquest, of unmitigated evil. It is high time for the virtuous and patriotic to speak out in

* Mount Carmel Register.

condemnation.* The whole world knows that it is Mexico that has been imposed on and that our people are the robbers.† Mexico is the Poland of America.‡ To volunteer, or vote a dollar to carry on the war, is moral treason against the God of Heaven and the rights of mankind.§ Let every one keep aloof from the unrighteous, infamous, God-abhorred war, and it will soon come to an end.‖ If there is in the United States a heart worthy of American liberty, its impulse is to join the Mexicans and hurl down the base, slavish, mercenary invaders who, born in a Republic, play the game of Hessians on the tops of the Mexican volcanoes. Would that the hordes of Scott and Taylor were every man of them swept into the next world.¶ If there is any conduct which constitutes moral treason it is an attempt to embark, or encourage, the country in a war against God, as is the case in that in which we are now engaged.** So far as our Government can effect it the laws of Heaven are suspended and those of Hell are established in their stead.†† We rejoice to see Whig newspapers taking ground against further appropriations for the Mexican throat-cutting business. This is as it should be.

From the people of the Eastern, Middle, and Western States came scores of petitions praying that the war be stopped. One memorial, one hundred and eight feet long, bore the signatures of twenty-nine hundred and thirty-one ministers and laymen of the Unitarian Church. They asked that the troops be withdrawn, full atonement made to Mexico for all the wrongs done her, and that commissioners be appointed to make a speedy and lasting peace. Citizens of Indiana prayed for the withdrawal of our troops from Mexico, and that Congress would refuse further supplies for the prosecution of the war. Citizens of Ohio asked for a speedy termination of the war. Women of Leominster, Massachusetts, and of Kennebunk, Maine, asked, in the name of the religion of Jesus Christ, that an end be put to the present

* Boston Sentinel.
† New York Tribune.
‡ Philadelphia North American.
§ Haverhill Gazette and Nashville Gazette.
‖ New Hampshire Statesman.
¶ Boston Daily Chronotype.
** Louisville Journal.
†† New York Tribune.

aggressive war by the withdrawal of the troops. All the other petitions were of like tenor.

The questions before Congress and the people thus became: Shall the war be prosecuted? Shall the troops be withdrawn? Shall all, or a part, of Mexico be annexed? And shall all, or part only of what is taken, be free? In both Senate and House the issues of expansion and slavery called forth many resolutions from Whigs and Democrats. One offered by Hannegan set forth that it might be necessary and proper to hold Mexico as a territorial "appendage." Those offered by Senator Dickinson declared it was necessary for the United States to strengthen its political and commercial relations on this continent by the annexation of such contiguous territory as might conduce to that end, and that, in organizing territorial governments, all questions concerning domestic policy therein should be left to the legislatures chosen by the people. A resolution submitted by Calhoun declared that to conquer Mexico and hold the country as a province, or incorporate it with the Union, was contrary to the avowed purpose of the war, a departure from the long-settled policy of the Government, and would overthrow our free and popular institutions. Cass did not believe there was a man in the United States in favor of the extinction of Mexican nationality. Calhoun would be glad to think so, but he could hardly open a newspaper without finding it full of speculation on that subject. Proceedings at a dinner, in Ohio, to an officer just from the army showed that all present believed that our troops would never quit Mexico till they had conquered the whole country. Such was the sentiment of the officer, and it was applauded by his hearers and endorsed by the Administration newspaper in Ohio. Rusk urged Polk not to oppose annexation of Mexico, and was told that the views of the President as stated in the message remained unchanged.

We have been forced, by misguided Mexico, said Dickinson, to resort to war. With her capital, her forts, her fortifications, her chief towns in our possession, she spurns all offers of peace. We have therefore no choice but to hold the territory allotted us by the tribunal of her own selection, for

we must have indemnity for the wrongs she has heaped on our people and our Government. Neither justice nor morality require us to give back our Mexican conquests. Nay, we could not, if we would, restore New Mexico and California, for they will not be restored. The laws governing territorial expansion are beyond the control of legislation. When our country was new, the wisest and ablest negotiated for years for the right of navigating the Mississippi, and proposed to fix that river as the western boundary of the United States forever. Even in negotiating for Louisiana we sought but a part, and the greater portion was taken under compulsion. This act, which was one of expansion, was assailed at the time with virulent abuse and threats of disunion which may be recalled with profit by those who are to-day alarmed by the cry of territorial aggrandizement. Louisiana, too, was a Spanish province with a foreign population, strangers to our form of government. Yet what State has been more faithful to the Union, more ably represented in this hall?

Territory beyond the Mississippi was then regarded as without the pale of probable civilization, and the expedition of Lewis and Clarke to the mouth of the Columbia, where the United States mail is now regularly delivered, was hailed as an epoch in American enterprise and adventure. But the tide of emigration and the course of empire was still westward. Cities and towns sprang up on the shores of the Pacific. The river our forefathers essayed to fix as our western boundary now flows nearest to our eastern boundary. From three millions our population has grown to twenty millions. From thirteen our States have increased to twenty-nine. Two great European powers have yielded us their possessions and withdrawn from the continent. From the lakes to the Gulf, from the St. Lawrence to the Mississippi, the Indians have fallen back before the resistless tide of population, and ere the end of the century our country will teem with a population of a hundred million souls. Nor have we yet fulfilled the destiny allotted to us. New territory is spread out for us to subdue, new races are presented for us to civilize, educate, absorb. North America presents one great geographical system, every part of which, by the present means of communica-

tion, may be made more accessible to every other than were the original States at the time they formed the Confederation. Our continent is destined to become the commercial centre of the world, and the day is not far distant when its people, yielding to the power of laws more potent than those which define artificial boundaries, will be joined in political as well as natural bonds, and form but one political system; when a free, confederated, self-governed republic, represented in a common hall in some city in the great valley of the West, will show to an admiring world the mighty results of freedom in the western hemisphere.

We hear much of what those who cry out against the war call the dismemberment of Mexico. Such of her people as fall under our jurisdiction, though it be her entire population, will be objects of envy, not of commiseration. They will find peace such as they have never known, and a protection for life, liberty, and property to which they are strangers. They will exchange a lawless despotism for a government of opinion, wild and debasing habits for rational civilization, the life of a savage for the rewards of industry, the devastation of war for the arts of peace. To them the consequences of dismemberment would be such as befell the people of Louisiana when that territory was dismembered from France, and the people of Florida when that province was dismembered from Spain. Fountains of tears may be shed over the dismemberment of Mexico. Supplies may be withheld from our gallant army; it may be called back from the field of glory, forced to take up a defensive line, or perchance disbanded or dismissed. Yet the people holding these provinces will never consent to go where naught but anarchy, violence, and oppression awaits them. Give back New Mexico and California! As well return to Great Britain what was once her colonies, as well give back Louisiana to France, Florida to Spain, Texas to Mexico!

And when these provinces were acquired they should be left, Dickinson said, to manage their own domestic concerns in their own way. Any system of government which withheld this right from the primary settlements till they became States was framed in the same spirit of popular distrust in

which the few, in all ages, have undertaken to rule the many. It was this spirit which animated those who had murmured at the expansion of our territory, trembled for the Union at the admission of a new State, looked on universal suffrage with consternation, and beheld with holy horror the naturalization of foreigners. Experience showed that ten thousand settlers on the frontier were as fit to judge of their own condition as any hundred thousand dwellers in a great city, and that all questions of domestic policy might be left to them with safety. Leave the domestic legislation of territories to their local legislatures, and the bootless sectional struggles which have caused such bitterness would be banished from the halls of Congress, the Government would be left free to pursue its onward course unembarrassed by sectional issues; benevolent statesmen would be relieved from strife and irritation, and the territories become truly free soil; free, not by restriction, provisions, and the threatenings of Congress, but free for their people to build governments best suited to secure safety, happiness, and prosperity.

Senator Yulee moved as a substitute for Dickinson's resolutions that the territory belonging to, or which might be acquired by, the United States, was the common property of the Union; that the sovereignty over it rested in the people of the States forming the Union; that Congress had no delegated, and the territorial communities no inherent, right to impair or embarrass the equal rights of all citizens to acquire and enjoy any part of this common property. Senator Hale thereupon moved that it was one of the fundamental rules and conditions on which all territories should hereafter be acquired, be it by purchase, conquest, or otherwise, that slavery should be forever prohibited therein.

Senator Baldwin asked that the President be called on to state the extent and value of the public domain of Mexico which it was in the power of its government to cede to the United States. Did Mexico have any public domain, any lands, any means, any available property with which to pay the claims of the United States? If not, we were seeking not territory but dominion. In that case what authority had the Mexican Government to cede the sovereignty either of the

States of that Confederacy or of any portion of the people thereof?

Senator Bagby submitted resolutions declaring that Congress had no authority to abolish or forbid slavery in any State or territory; that if territory be acquired, by treaty or by conquest, it should not be competent for the treaty-making power, or for Congress to exclude slavery therefrom; that such territory should be open to the citizens of the United States without any restrictions as to slaves; and that Congress could not delegate, to the legislature of a territory, power to exclude slavery.

We are, said Clayton, of Delaware, rapidly approaching a state of things which will make the conquest and annexation of the whole of Mexico inevitable. And what will be the consequences of the annexation of twenty-nine Mexican States? Of all men in the Union those most interested in this inquiry are the gentlemen of the South. There are in Mexico eight millions of people, of a race totally unlike ours, a free colored population bigoted on the subject of slavery. Do you suppose, if you annex these eight millions, they will become idle spectators of the proceedings of government? You will be voted down, your institutions will be voted down, and you may and probably will rend the Union in pieces. This will be the result of your annexation of all Mexico. If you fear such a result, pause and arrest these proceedings now.

In the House a dozen and more resolutions were offered. One set forth that the United States ought not to use its conquest to ruin the national existence of Mexico, and that all territory taken beyond the Rio Grande should be receded, provided Mexico granted our citizens free ingress to and egress from New Mexico and California, free trade by land and sea, and the right to build a railroad to San Diego and to any town in New Mexico or California. Another declared the war was just and necessary, that the refusal of Mexico to treat left no choice save a vigorous prosecution of the war till she was willing to indemnify us in land, or money, for past injuries and the cost of the war. Another proposed as a boundary a line so drawn from the Gulf, near the mouth of the Nueces, as to include the Texan settlements south and

west of that river, and then up the Nueces by the old boundary of Tamaulipas, Coahuila, and New Mexico to the Red River; that the country between this line and another, midway in the desert between the Nueces and the Rio Grande, to thirty-six-thirty, and then to the Pacific should be purchased; that no indemnity be demanded, and that, as soon as a treaty providing for these terms was ratified, our troops should be withdrawn. Another was in substance that neither the honor nor the interest of the United States demanded the dismemberment of Mexico as a condition of peace. Still another declared the sending of Taylor to the Rio Grande an act of aggression and the invasion of Mexico, the capturing of her towns and cities, and the slaughtering of her people acts of injustice, cruelty, and wrong; that the war should not be further prosecuted for any purpose; that our troops should be withdrawn as soon as possible, and the question of boundary settled by commissioners. Abraham Lincoln proposed that the President be asked to state whether the spot on which American blood was shed in 1846 was not on Spanish soil until the Mexican revolution; whether the spot is or is not within the territory wrested from Spain by the Mexican revolution; whether it is or is not within a settlement which existed long before the Texas revolution; whether the people of that settlement ever submitted to the jurisdiction of Texas, or of the United States, by holding office, voting at elections, paying taxes, serving on juries, or in any other way; whether they did or did not flee on the approach of the United States troops, and whether the first blood shed was or was not shed within the enclosure of one of the people who had thus fled; and whether the citizens whose blood was shed were or were not armed soldiers sent to that settlement by order of the President. Another member moved that a committee of five from the Senate and five from the House consult with the President as to the best mode of ending the war. Another proposed that any Mexican State or territory occupied by our troops should be admitted into the Union on request of a majority of its people, and the presentation of a constitution republican in form. A member from Mississippi moved that the President be requested to state whether he did or did not

intend to subjugate the whole of Mexico and hold it, or if only a part, what part; what he intended to do with the people and territory so conquered and held; what rights, civil and political, were to be given them; were land titles to be respected; were churches to be despoiled to aid in paying the cost of conquest? A resolution offered by a member from Virginia declared that it was the opinion of the House that it would not be expedient to annex the whole of Mexico to the Union, and that the territory north of the line proposed by Trist was ample indemnity.

While the House was listening to resolutions such as these, and the Senate was engaged in warm debate on the further prosecution of the war, proceedings were suddenly stopped by the sudden illness and death of John Quincy Adams. On the twenty-first of February, Chase, of Tennessee, offered a joint resolution extending the thanks of Congress and voting medals to nine generals who had distinguished themselves in the war. The rules were suspended, the resolution was received, the previous question moved and seconded, the main question was ordered and the Speaker had just risen to put it, when several members cried out, "Mr. Adams is dying." The venerable man had fallen across the left arm of his chair, while his right hand grasped his desk. As he sank down those near by heard him exclaim, "This is the last of earth—I am content." In a moment the House was in confusion. Members rushed to his aid. A sofa was brought, and on it Adams was carried into the rotunda and to the door opening on the east portico. But the fresh breeze was so chill and damp that he was taken into the Speaker's room, where, a little after seven in the morning of February twenty-third, he expired. The place, the time, the manner of his death, and his long public service impressed his countrymen deeply.

When the Senate assembled on the morning of the twenty-third a message and document were received from the President. The document proved to be a treaty negotiated with Mexico by Trist.

CHAPTER LXXXII

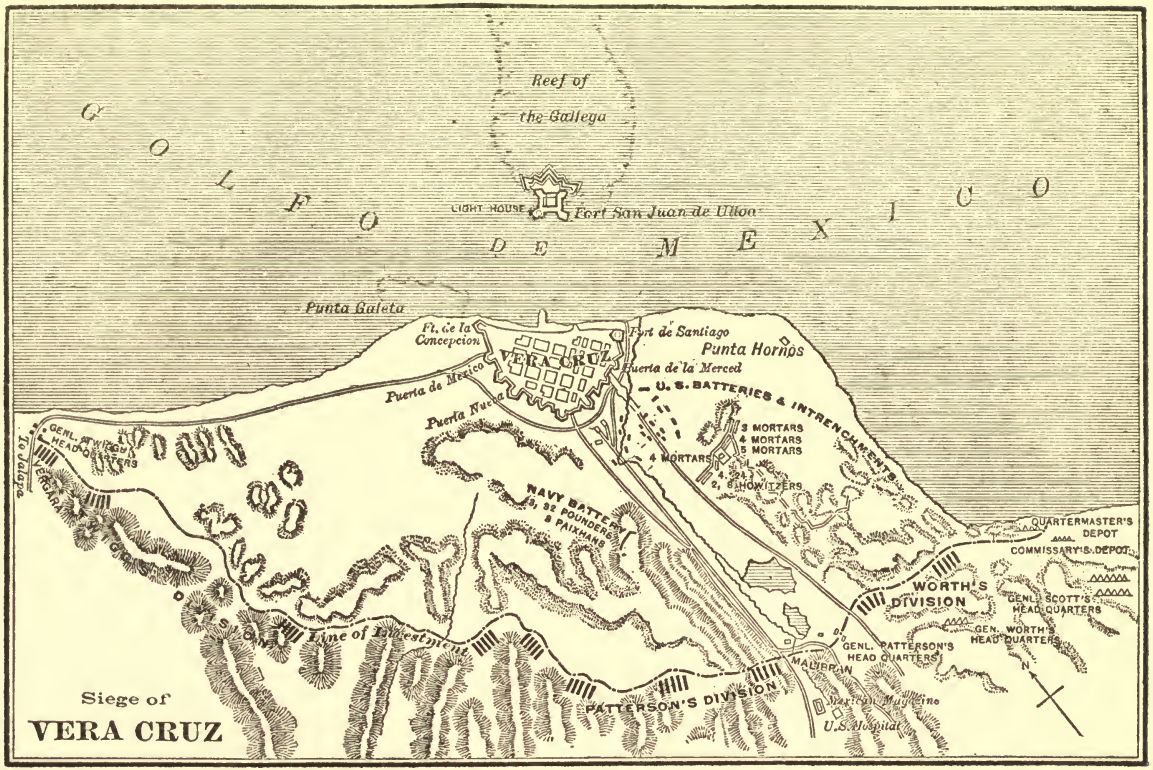
CONQUERING A PEACE

By the end of January, 1847, the troops Scott was to lead into Mexico had gathered at Brazos, San Jago or Tampico, whence, during February, they were carried in transports to the island of Lobos, some sixty miles south of Tampico. At Lobos the army was organized. The regulars, in two brigades, were commanded by Worth and Twiggs. The volunteers were formed into a division of three brigades. Patterson commanded the division; Pillow, Quitman, and Shields the brigades. All told, the army numbered over twelve thousand men.

From Lobos the transports, escorted by the squadron of Commodore Conner, set sail for Point Anton Lizardo, on the coast just south of Vera Cruz, and there waited while search was made for a landing place.

The spot chosen was three miles south of Vera Cruz, and there, on the morning of March ninth, the troops of Worth were safely landed. Next morning Worth's division took up a position on the sand-hills and the work of investing Vera Cruz began. Joining Worth, and stretching northward, came Patterson's division, and joining this and carrying the line of investment behind the city to the shore north of it was the division of Twiggs. To bring ashore the mortars, howitzers, heavy guns, and ammunition took much time and was hindered by boisterous weather, so that it was late in March before the batteries were ready and the bombardment opened.

The city thus invested stood directly on the shore of the Gulf, had a population of some fifteen thousand souls, and was surrounded on the land side by an almost unbroken line



Siege of
VERA CRUZ

of bastions and redans. In the Gulf, on a reef a thousand yards from shore, was the castle of San Juan d'Ulloa, defended by a hundred and twenty-eight guns, many of them of heavy calibre and modern make, and garrisoned by a thousand men.

After an investment of twelve days and a heavy bombardment for four days, the suffering of the people in Vera Cruz became unbearable. The stock of provisions was low, the fire of the Americans was severely felt by the people who were driven from their homes, and as many of these were foreigners, the consuls obtained leave to send a flag of truce to Scott and ask for a stoppage of the cannonade while the foreigners and native women and children were sent from the city. Scott refused because plenty of time had been given for them to escape before the bombardment began. Fire was again resumed; but the next day a flag of truce brought offers of surrender, and on March twenty-ninth the Mexican troops marched out, laid down their arms, and Worth took possession of Vera Cruz and of the castle of San Juan d'Ulloa.

From Vera Cruz went out the national road to the city of Mexico, and along this road, after some delay, the army set out on one of the most famous marches in history.

Twiggs led the way, was followed a day later by Patterson, and after an interval of five days by Worth. All went well till the village of Plan del Rio was reached, when the enemy, some thirteen thousand strong under Santa Anna, were discovered posted on the great conical hill of Cerro Gordo, and on all the hills commanding the pass through which the road led to Jalapa. It was on April twelfth that Twiggs reached the little village, and there the army remained five days till Patterson, Scott, and Worth arrived and a plan of attack had been formed. On the morning of the seventeenth Twiggs was ordered to move upon the left of the enemy, and taking the road from Plan del Rio he followed it to the entrance into the pass, then turned to the right, and forcing his way through the chaparral, drove the Mexicans from the hill El Telegrapho just in front of Cerro Gordo. Scott meantime sent General Shields with troops to support Twiggs, and with some guns to be placed on the summit of

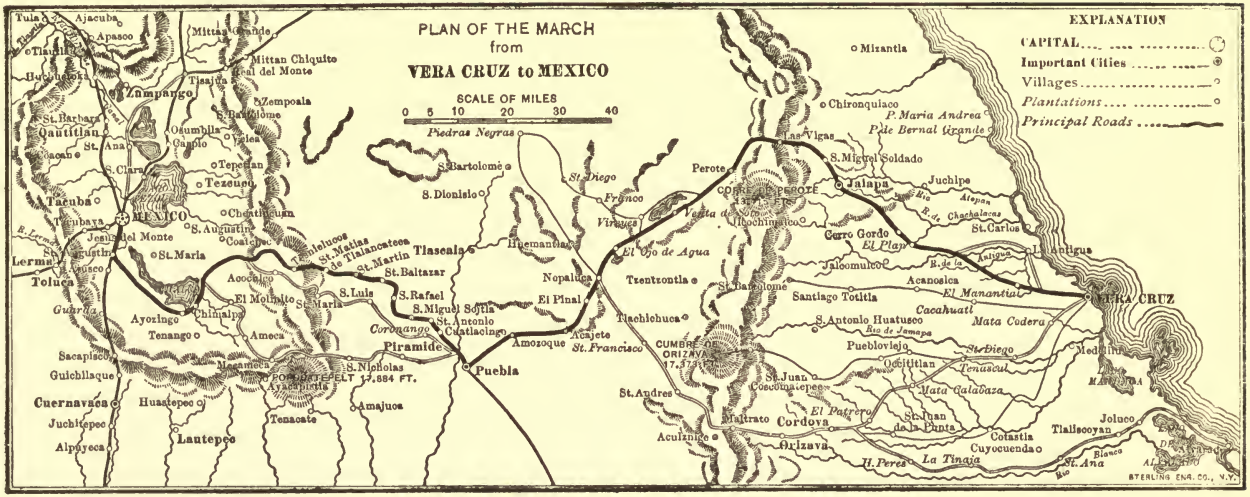
El Telegrapho. But it was dark when they reached the foot of the hill up whose steep and rugged sides the cannon were dragged with great labor during the night.

Twiggs was now ordered to continue his march to the national road in the rear of Cerro Gordo, and be ready to cut off the Mexican retreat toward Jalapa. Worth was to follow up the attack on Santa Anna's left, while Pillow was to turn from the national road before it entered the pass, and making his way between the hills, attack the batteries on the enemy's right, near the Rio del Plan.

On the morning of the eighteenth, accordingly, the guns on El Telegrapho opened on Cerro Gordo as the troops climbed down the hill to the ravine, and began the ascent of Cerro Gordo. The hill was steep and rugged; the climb in the face of the incessant fire of the Mexicans was a dreadful one. But on the men went to the first line of breastwork, which they took by storm, and then on again toward the second line near the top. Over this they rushed just as another body of troops under Riley from Twiggs's division, which had climbed up the rear of the hill, reached the summit. The struggle for possession was short and sharp. Vasquez, who commanded, was killed. Other generals were taken prisoners, and the garrison broke and fled down the hill toward the road to Jalapa.

General Shields's brigade meantime had passed beyond Cerro Gordo, and turning to the left, moved against a battery of five guns on the Jalapa road in the rear of Cerro Gordo and took two. Riley, who, from the top of Cerro Gordo, had seen the battery, had come down the hill with his brigade, and rushing forward, captured the three remaining guns.

To Pillow's brigade had been assigned the attack on the Mexican battery of seventeen guns in front of El Telegrapho and near the river. But the thick chaparral and rocky ground threw his troops into disorder, the heavy fire of the enemy made it impossible to form them, and when in this condition the charge was ordered, the raw volunteers, unable to face the fire, fell back in confusion. At this stage of the battle Santa Anna, who saw the advance of Pillow and the capture of Cerro Gordo, mounted a mule taken from his


PLAN OF THE MARCH
from
VERA CRUZ to MEXICO
SCALE OF MILES
0 5 10 20 30 40
EXPLANATION
CAPITAL
Important Cities
Villages
Plantations
Principal Roads
Tula
Ajacuba
Apasco
Tlaxila
Huehuetoca
Zumpango
Mittan Grande
Mittan Chiquito
Real del Monte
Tlasjica
Zempoala
Tulancingo
Osumbilla
Cazadero
Yglesia
St. Barbara
Cuautitlan
St. Ana
Tacuba
S. Clara
Tepexpan
Tezcuco
Chapultepec
MEXICO
Tacubaya
S. Augustin
Coatepec
Josiga del Monte
St. Maria
Lerma
Toluca
Guadalupe
Acococingo
El Molinillo
Ayozingo
Chimalpa
Tenango
Ameca
Sacapisco
Guichilaque
Cuernavaca
Huastepec
Juchitepec
Alpayeca
Lautepec
Tenancingo
St. Matias de Tlalancaleca
St. Martin
Tlascala
St. Baltazar
S. Luis
S. Rafael
S. Miguel Soltia
St. Antonio
Coatlacingo
Coronango
Piramide
S. Nicholas
POPOCATEPELT 17,884 FT.
Ayotzinpitla
Tenacate
Amajuca
Puebla
Piedras Negras
S. Bartolomè
S. Dionisio
St. Diego
Frayco
Virgines
Hnemantla
El Ojo de Agua
Nopaluca
El Pinal
Acajete
Amozoque
St. Francisco
Tzentzontla
Tlachichuca
CUMBRE DE ORIZAVA 17,373 FT.
St. Andres
Aculzingo
Perote
CORRE DE PEROTE
Las Vigas
Jalapa
Mizantla
Chironquiaco
P. Maria Andrea
Pde Bernal Grande
S. Miguel Soldado
Juchipe
Rio Atepan
Rio Chachalacas
St. Carlos
Cerro Gordo
El Plan
Jalcomulco
Rio de la Antigua
Antigua
Acanosica
El Manantial
Santiago Tolitla
Cacahuati
S. Antonio Huatusco
Rio de Jamapa
Mata Codera
Puebloviejo
St. Diego
Ocotitlan
Temascal
Mata Calabaza
St. Juan Coscomatepec
El Patrero
Maltrato
Cordova
St. Juan de la Punta
Orizava
Cuyocuenda
Cotastla
Tialiscoyan
Joluco
La Tinaja
H. Peres
St. Ana
Rio Blanco
VERA CRUZ
Medellin
STERLING ENG. CO., N.Y.

coach, fled down the steep bank of the river, forded the stream, and, followed by a crowd of fugitives, set off for Orizaba.

Harney meantime had sent a regiment from Cerro Gordo to attack a six-gun battery on the national road just where it came out of the pass, and had turned the guns of Cerro Gordo on the batteries attacked by Pillow. Thus shut in by Pillow on the front, by Harney on the left flank and rear, and by the steep bank of the river on the right flank, the Mexicans in the batteries laid down their arms and surrendered unconditionally. They numbered five general officers and over three thousand men.

The whole Mexican army by this time was in full flight toward Jalapa with Patterson's dragoons, Twiggs's division, and Shields's volunteers in hot pursuit. Patterson entered Jalapa the next morning closely followed by Twiggs. Worth and Scott arrived on the twentieth, and the next day Worth was on his way to Perote, which he occupied on the twenty-second without resistance. Five generals, three thousand men, forty-three pieces of artillery, five thousand stand of arms, seven standards, and the destruction of the Mexican army were the fruits of the great victory of Cerro Gordo.*

While the army tarried at Jalapa and Perote, Polk again offered Mexico terms of peace. The victory at Monterey and the preparation for the attack on Vera Cruz, he felt sure, must show Mexico the hopelessness of the struggle in which she had engaged. In January, 1847, therefore, Buchanan despatched Atocha to Mexico with a letter to the Minister of Foreign Relations. The President, he said, was determined to use every honorable means to restore peace between the two sister republics. The first wish of his heart was to make such a treaty as should secure a sincere, cordial, and lasting friendship, and to accomplish this he asked that commissioners be sent to Havana, or Jalapa, as Mexico should decide.† The minister replied that his government was pained to be

* Scott to Marcy, April 23, 1847. Senate Documents, 30th Congress, 1st Session, No. 1, p. 264.

† Buchanan to Monasterio, January 18, 1847. Senate Documents, 30th Congress, 1st Session, vol. i, No. 1, p. 36.

at war with a republic whose progress it had admired and whose institutions it had copied. But Mexico had been invaded and the Vice-President, then charged with supreme executive power, could never consent to appoint commissioners unless the blockade was raised and the invading army withdrawn from Mexican soil.* The answer, in short, was a polite refusal, for the minister never for a moment supposed his terms would be accepted. So the war went on, and late in March Vera Cruz was taken and Scott was ready to begin his famous march for what the newspapers and stump orators called "The Halls of the Montezumas."

Polk, still convinced that Mexico would treat for peace before the capital city was taken, bade Buchanan answer the note of Monasterio,† point out the unreasonableness of the conditions named, say that the President would not again renew the offer until sure that Mexico would accept it, and announce that, as he was determined the horrors of war should not last one day longer than Mexico made them necessary, he would send Nicholas P. Trist to the headquarters of the army as commissioner with full powers to conclude peace.

Trist began his career as a West Point cadet, had been a clerk in the Treasury Department, private secretary to Jackson, consul at Havana, and was by Polk appointed Chief Clerk of the Department of State. Buchanan described him as "the officer next in rank to the undersigned in our Department of Foreign Affairs," and bade him "take advantage at the propitious moment, of any favorable circumstances which might dispose" Mexico to peace.

The draft of a treaty which Trist carried with him defined the boundary of the territory he was to demand.

The starting-point was to be in the Gulf of Mexico, three leagues from the land, and opposite the mouth of the Rio Grande. Thence a line was to be drawn up the middle of that river to the south line of New Mexico, then along the southern and western boundary of that State till it cut the first branch of the Gila River, or to the point nearest said

* Monasterio to Buchanan, February 22, 1847. Senate Documents, 30th Congress, 1st Session, vol. i, No. 1, p. 37.

† Buchanan to Monasterio, April 15, 1847. Ibid., pp. 38–40.

branch, then in a direct line to the same and down it and the Gila to the Colorado, and down the middle of the Colorado, and the middle of the Gulf of California to the Pacific. For this line Mexico was to be paid fifteen millions of dollars, and the United States was to assume and pay all instalments due, or to become due, to claimants under the treaty of 1843, and assume and pay, to an amount not over three million dollars, all claims of citizens of the United States on Mexico not already decided adversely. The right of transit across the Isthmus of Tehuantepec, from sea to sea, was to be granted.

The instructions accompanying the *projet* stated such changes as Trist might make. For New Mexico and Upper and Lower California he might offer as much as thirty millions; or for New Mexico and Upper California without transit across the isthmus, twenty millions; or for the same with the right of transit, twenty-five millions. The acquisition of New Mexico and Upper California was to be a *sine qua non* of any treaty.*

As Buchanan thought over the boundary line, the great value of the Gila Valley as affording a good route for a railroad to the Pacific † led him to change his instructions, and Trist was ordered to obtain the thirty-second parallel from the Rio Grande to the middle of the Gulf of California, and then down the middle of the gulf to the Pacific.‡

Thus instructed, the commissioner hurried to New Orleans, landed at Vera Cruz on the sixth of May, and at once sent off to General Scott a sealed packet containing Buchanan's letter to the Mexican Minister of Foreign Relations, a letter from Marcy, and a note from himself. The Secretary of War informed Scott that Trist was clothed with power to arrange "with the Government for the suspension of hostilities"; that when notified, in writing, by Trist that the time had come to suspend hostilities, he should regard that "notice as a direction from the President to suspend them till further orders." In that event Scott was not to retire from any place

* Buchanan to Trist, April 15, 1847. Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, p. 82.

† Buchanan to Trist, July 13, 1847. Ibid., p. 93.

‡ Ibid., July 19, 1847. Ibid., p. 91.

the army held unless for health or safety, or unless "on consultation with Mr. Trist a change in the position of your forces should be deemed necessary to the success of the negotiations for peace." *

Scott was furious, and while his anger was still hot answered Trist. The Secretary, Scott said, proposed to degrade him by requiring the commander of the army to defer "to the chief clerk of the Department of State the question of continuing or discontinuing hostilities." But he would say to Trist, and to the Secretary of War, that the question of armistice or no armistice was peculiarly a military one, that it belonged to the commander of the invading forces, and that unless Trist held military rank above him, he should demand, if the enemy made overtures, that Trist defer the question of armistice to him.† Later Scott sent back Buchanan's letter. Trist in time replied in kind and a most unseemly correspondence followed. In the midst of it Scott asked to be recalled.‡ The request was nearer being granted than he thought, for when news of the quarrel reached Washington, Polk was thrown into a passion, complained that he was forced to conduct the war through the agency of two generals out of sympathy with the government and hostile to his administration, and that they had assumed control of the government. But to this he would not submit, for he would "remove Scott from the chief command," just as sure as he refused, or delayed, "to obey the order borne him by Mr. Trist." §

By this time the commissioner had appeared at the camp at Jalapa, and after a few weeks of cold reserve the anger of Scott and Trist cooled off and the two became warm friends, and both asked that their rude letters be suppressed.‖

While the quarrel between Scott and Trist was at its

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* Marcy to Scott, April 14, 1847. Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, p. 941.

† Scott to Trist, May 7, 1847. Executive Documents, 35th Congress, 1st Session, vol. vii, No. 60, p. 960.

‡ Scott to Marcy, June 4, 1847, Executive Documents, 30th Congress, 1st Session, vol. vii, No. 60, p. 994. § Polk's Diary, June 12, 1847.

‖ Trist to Buchanan, July 23, 1847. Executive Documents, 30th Congress, 1st Session, vol. 7, No. 60, p. 831. Scott to March, July 25, 1847. Ibid., 1011.

height, the letter of Buchanan was forwarded to the Mexican minister of internal affairs by the British Minister Bankhead, and by the same means a reply came back. Decision on the offer of Buchanan, it was said, belonged to the sovereign Congress of the nation, to which the note of the Secretary of State had been referred.* But the sovereign Congress adjourned without making a decision; whereupon Santa Anna wrote the British Consul at Mexico that it now became his duty, as commander of the army, to seek peace,† and sent word, by secret agents, to Trist, that if ten thousand dollars were paid down and one million when peace was made, commissioners would be appointed and negotiations begun. Scott paid the ten thousand dollars, but Santa Anna was unable to keep his word. Secret agents told Trist that he dared not stop the war, but would suffer the army to approach Mexico "even as far as the Peñon, and then make peace." ‡

Peace-making having failed, the war went on, and early in August the army, increased to ten thousand men by the withdrawal of the garrison at Jalapa and by the arrival of recruits from the United States, moved out of Perote, and coming down into the great basin in which Mexico lies, halted along the northern and eastern shores of Lake Chalco. The question now to be settled was, how to approach Mexico. One, and but one, road entered the city from the east, the national highway along which the army had come from Vera Cruz. But this, near the city, became a causeway with the marshy shores of Lake Tezcuco on the north and on the south the strongly fortified hill El Peñon, made doubly strong by flooding the country around its base. To have taken it would have been so costly in men and time that El Peñon was justly considered as completely blocking the causeway from the east.

It was necessary, therefore, to go around it. One way was northward around Lake Tezcuco to the road which en-

* Ibarra to Buchanan, June 22, 1847. Executive Documents, 30th Congress, 1st Session, vol. 7, No. 60, p. 40.

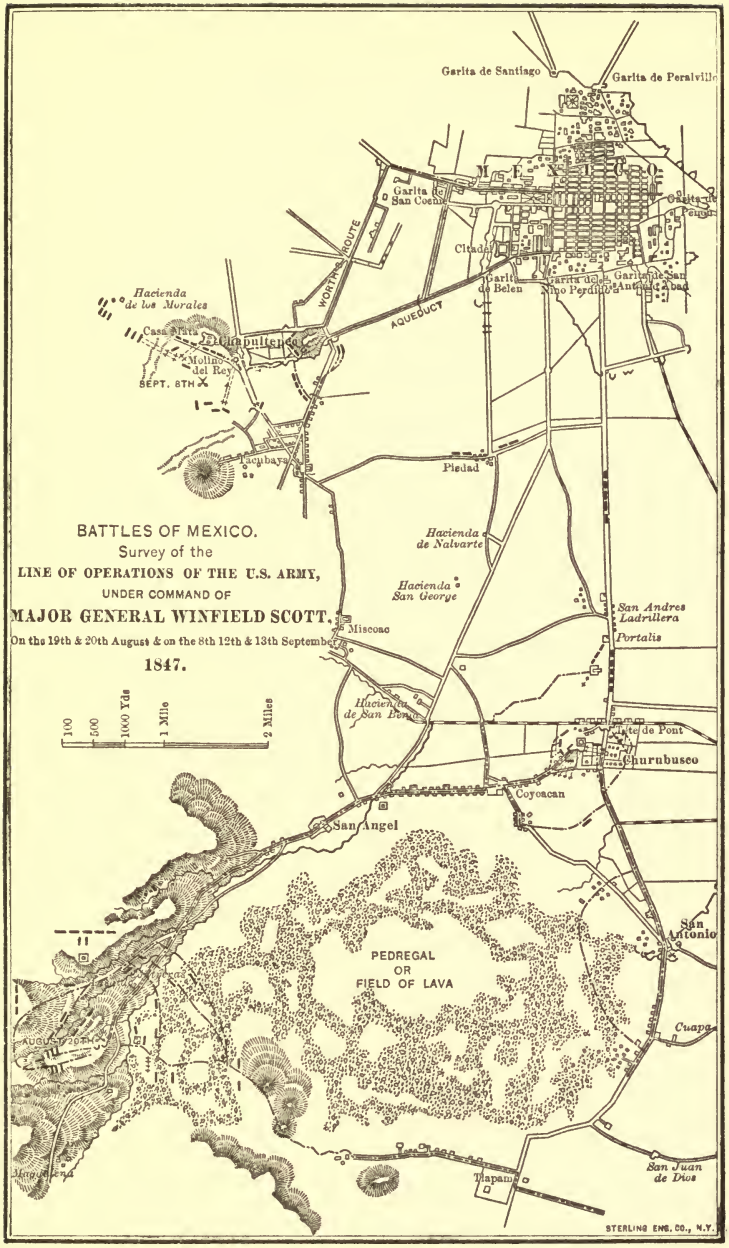
† Thornton to Trist, July 29, 1847. MS. Archives Department of State.

‡ Trist to Buchanan, July 23, 1847. MS. Archives Department of State.

tered Mexico from the north; but this was impracticable because the country bordering it was without wood or water, and because the hills along the northern road near Guadaloupe Hidalgo were heavily fortified. To pass El Peñon on the left, the army must take a causeway, which, crossing marshy and inundated ground, passed through Mexicalzingo to the Acapulco road, the great southern entrance to Mexico. But the narrow causeway, the wet and swampy country, the barricades, wet ditches, lunettes, and the fortified village of Mexicalzingo, made an approach by this road out of the question. Nothing was left but to march southward around Lake Chalco to the Acapulco road and attack the city from the south.

This route was accordingly taken, and by noon on August seventeenth Worth had entered the village of San Augustine, and the following day advanced to Coapa, not far from San Antonio. When Santa Anna, whose headquarters were at El Peñon, perceived that Scott would attack by the southern road, he moved his troops and guns from El Peñon and Mexicalzingo to San Antonio, fortified the bridge and church at Churubusco, forced the Indians of the nearby villages to cut ditches across the road, and ordered General Valencia to march to the town of San Angel. This he did, but soon fell back to Coyoacan and then advanced to the hacienda of Padierna. Santa Anna thereupon bade him return; but he would not obey and was left to the fate which overtook him.

Valencia was intrenched on the heights of Contreras, at the foot of which was a road to the capital. Between the road and the American army was the Pedregal, a great field of lava. No road crossed this; only a rugged mule path from San Augustine to Padierna. Pillow was ordered to build a road, and moving out from San Augustine in the morning of the nineteenth, began the work while Twiggs covered the working parties. But when the road-makers had reached the foot of the heights of Contreras, and had come within sight of Valencia, his guns opened fire, the work ceased, and the Americans began the attack. A general engagement continued till nightfall, by which time most of the American army had passed the Pedregal and taken position in and about San


BATTLES OF MEXICO.
Survey of the
LINE OF OPERATIONS OF THE U.S. ARMY,
UNDER COMMAND OF
MAJOR GENERAL WINFIELD SCOTT.
On the 19th & 20th August & on the 8th 12th & 13th September
1847.
100
500
1000 Yds
1 Mile
2 Miles
Garita de Santiago
Garita de Peralvillo
Garita San Cosme
Citadel
Garita de Belen
Garita de Peralvillo
Garita San Antonio Abad
Hacienda de los Morales
Casa Mata
Molino del Rey
SEPT. 8TH
WORTH'S ROUTE
AQUEDUCT
Tacubaya
Piedad
Hacienda de Nalvarte
Hacienda San George
Mixcoac
San Andres Ladrillera
Portalis
Hacienda de San Pedro
Churubusco
Coyoacan
San Angel
PEDREGAL
OR
FIELD OF LAVA
AUGUST 20TH
San Antonio
Cuapa
Tlapam
San Juan de Dios
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Geronimo and Ansaldo on the left flank of Valencia, and on his front near Padierna. Santa Anna, meantime, had come down from Churubusco and San Antonio and massed his army on the hill in front of the Americans, who were thus between him and Valencia.

To prevent the junction of the two Mexican armies was so important that during the night the brigades of Riley and Smith made their way to the rear of Valencia, and at dawn stormed the camp. The Mexicans fled down the road toward San Angel. Many made good their escape, but others, cut off by Shields, surrendered. Four generals, a host of minor officers, and a thousand men were captured; but Valencia escaped. Twenty-two cannon fell into the hands of the Americans, and among these were the pieces taken by the Mexicans at the pass of Angostura in the memorable battle of Buena Vista.

To the astonishment of the army it was found that during the night Santa Anna had retreated to San Angel. From there, when he knew of Valencia's defeat, he fell back to Churubusco, and thither the American army followed, passing through San Angel to Coyoacan.

The little hamlet of Churubusco, where Santa Anna was gathering his army, was on the road from San Antonio to Mexico, and hard by the bank of the Rio Churubusco. To the west of the village was a stone convent which had been turned into a strong fort defended by three thousand men. At the bridge over which the San Antonio road crossed the Churubusco was a *tête de pont*, and across the bridge, on the north bank of the river, Santa Anna drew up his army with the reserves along the road in his rear.

At Coyoacan the American army was broken into three parts. One, under Pierce and Shields, was to go around Churubusco on the west, cross the river and attack the rear of Santa Anna. One, under Twiggs, Riley, and Smith, was to take the eastern road and move directly on the convent. The third, under Pillow, was to follow the south-eastern road and attack Churubusco from the south.

Worth, during the battle of Contreras, had been at Cuapa, but as soon as he heard of the defeat of Valencia, moved

against the enemy at San Antonio. A part of his force was sent to make its way through the Pedregal, go around San Antonio on the west and cut off the retreat of Bravo, while the rest of the army attacked on the front. But Bravo, hearing of Valencia's defeat at Contreras, was retreating when Worth's troops, coming out of the Pedregal, cut his column in two and sent part off eastward while the rest fell back to Churubusco.

A part of Worth's troops followed, and passing through the village, were advancing against the *tête de pont* which covered the bridge across the Rio Churubusco when the Mexicans opened fire on them from the convent and they fell back into the village. Just at that moment Twiggs reached the convent, where a fierce and bloody battle was soon raging.

Pierce and Shields meanwhile crossed the little river and came down on Churubusco in rear of the *tête de pont.* Seeing the Americans coming, the Mexican general drew up his troops along the causeway and sent his cavalry into the fields to attack the American flank, and here another desperate fight took place. The Americans, outnumbered five to one, and attacked in front and on flank by an enemy well protected and hidden by bushes, were cut to pieces. Again and again their line was broken and reformed only to be broken again. But they held their ground till, by a gallant charge, they broke the Mexican line and sent the enemy in flight down the road toward Mexico just as Worth's troops carried the *tête de pont.*

Pillow, who had been marching against San Antonio, hearing the firing at the convent, turned from the road, and hurrying across the fields toward the *tête de pont,* reached the road in time to join the main body of Worth's force as it marched toward Churubusco. The fight at the *tête de pont* was as desperate as at the convent, and in the rear. But the American line gradually closed in, carried the works by storm, and sent the enemy in full flight over the bridge and into the flank of the Mexican reserves fighting with Pierce and Shields, and the whole body of Mexicans fled toward the city.

During all this time the fight around the convent had not

slackened. But when some guns captured at the *tête de pont* were turned against it, General Rincon, who commanded, surrendered, and the battle of Churubusco was over.

Had the Americans pursued, as indeed a few did, to the San Antonio gate, the army might have entered the city of Mexico that night; but the fight won, Scott ordered all pursuit to stop, for Trist and Scott had been warned "by intelligent neutrals and some Americans" against undue haste. "By wantonly driving away the government and others, dishonored, we might scatter the elements of peace." * This would never do, so a halt was made, negotiations were begun, and August twenty-fourth an armistice was agreed on and four commissioners were appointed by Santa Anna to meet Trist. By them the *projet* of Trist was received and forwarded to the Mexican cabinet, from which came new instructions to the commissioners. They were to require Trist to state the motives for the war and the ends for which it was waged, declare whether the claims of the United States rested on force or purely friendly negotiation, and whether Texas was to be considered as acquired by annexation or by purchase, to be made, of the land. The Nueces was to be the boundary of Texas, New Mexico and California were not to be ceded, and the right of transit across Tehuantepec was to be refused. The United States was to pay the cost of the war, deliver the forts in the same condition in which they were when captured, and recompense the Mexicans for their "ruined fortunes." † The commissioners promptly refused to act under such absurd instructions, and were told to carry them out as nearly as they could.‡

September first was spent in discussing Trist's *projet*. In the course of the discussion he agreed to give up Lower California, and part of Upper California, but would not yield New Mexico. Finally he offered to accept the Nueces, the greater part of New Mexico, the Gila River, the Colorado, to the thirty-third degree of latitude and that to the Pacific.

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* Scott to Marcy, August 28, 1847. Senate Documents, 30th Congress, 1st Session, vol. i, No. 1, p. 314.

† Senate Documents, 30th Congress, 1st Session, vol. 7, No. 52, pp. 331–333.

‡ Ibid., pp. 334–335, August 31, 1847.

If Mexico would offer him such a boundary he would refer it to Washington and declare an armistice of forty days.* The offer was referred to the Mexican cabinet, and September sixth the commissioners laid a counter *projet* before Trist. The boundary then offered was the Nueces to its source, a line to the southeast corner of New Mexico, around the eastern, northern and western sides of that state to thirty-seven degrees, and by it to the Pacific. Three days were given Trist in which to decide.

While these things were happening in Mexico, Polk, disgusted at the failure of Scott's victories to "conquer a peace," decided to exact yet harsher terms from Mexico as the price of a treaty. Should the war drag on, he told his Cabinet early in September, he would be unwilling to pay the sum Trist was authorized to offer for California and New Mexico. If Mexico continued stubbornly to refuse to treat he would insist on more territory than the provinces named.† The Secretary of the Treasury and the Attorney-General heartily approved, and were in favor of demanding Tamaulipas. The rest of the Cabinet opposed. The Attorney-General then urged that Trist be recalled and the war prosecuted with vigor till Mexico sued for peace; but Polk and Walker would not hear of Trist's recall. A month later, however, Buchanan received a pamphlet written in Spanish and giving a history of the rise, progress, and failure of Trist's mission.‡ After reading this document the President was so convinced that Trist's "presence with the army" could do "no good," that he was recalled and ordered "to return to the United States by the first safe opportunity." "Mexico," Polk said, "must now sue for peace, and when she does we will hear her propositions." § Should Trist have made a treaty he was to bring it with him. Should he, when his recall came, be engaged in negotiations,

* Trist to Buchanan, September 4, 1847. Ibid., pp. 195–201. For the Mexican account see p. 345.

† Polk's Dairy, September 4, 1847.

‡ Buchanan to Trist, October 6, 1847. The pamphlet was called "Contestaciones habedas entre el Supremo Gobierno Mexicano, el General en Gefe del ejercito Americano, y el Comisionado de los Estados Unidos." Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, p. 91.

§ Polk's Diary, October 5, 1847.

they "must be immediately suspended." * A fortnight later Trist's account of the affair was received and read with astonishment.†

These terms, Trist explained, were the best that could be had. Indeed, the commissioners doubted whether the Government would accept them, and if accepted, whether the Government could maintain itself in the face of the outburst of popular anger sure to follow. He was well aware of the importance of the Paso del Norte. Yet important as it was, he did not think it well to risk the treaty by insisting on a line south of the Paso. Such a line would have cut off a piece of Chihuahua and given more ground for popular clamor.

The demand for Lower California was yielded because his instructions did not require him to insist on having it, and because the Mexicans would not cede it. This settled, they demanded a line far enough north to afford a strip of territory joining Lower California with Mexico, and this also he had granted.

Buchanan replied that the President could not think of surrendering a part of Texas, that he regretted that Trist had listened to a proposal to surrender any part of New Mexico and Upper California, and that he was directed by Polk to again summon him to return.‡

The time had now come to write the annual message, and what should be said about Mexico became the subject of earnest discussion. Polk was inclined to increase the army, prosecute the war, hold all the territory conquered, or that might yet be conquered, levy contributions on the enemy, consider New Mexico and Upper and Lower California as part of the United States, give them territorial governments, and if the war dragged on demand more territory as indemnity.§ Buchanan disapproved; but Polk bade him write a paragraph for the message setting forth that "failing to obtain a peace

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* Trist to Buchanan, September 4, 1847. Ibid., p. 195.

† Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, p. 94.

‡ Buchanan to Trist, October 25, 1847. Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, pp. 94, 95.

§ Polk's Diary, November 9, 1847.

we should continue to occupy Mexico with our troops and encourage and protect the friends of peace in Mexico to establish and maintain a Republican Government able and willing to make peace." * And now Buchanan yielded, the Cabinet approved, and the draft was written; but to it the Secretary added the proviso that if peace could not be secured in the manner proposed, "we must fulfil that destiny which Providence may have in store for both countries." Polk thought this was too vague, and wrote a draft of his own; but the Attorney-General liked that of Buchanan. He was ready, he said, to take the whole of Mexico, and believed the people would understand the words of Buchanan to have that meaning. Polk answered that he was not ready to go so far, that he did not wish anything said in the message to be so obscure as to raise a doubt as to its meaning. Moreover, he had already declared that he did not seek the conquest of Mexico. More revision now followed till the paragraph took the form in which it appears in the message.

While Trist was negotiating, the troops under Quitman were quartered at San Augustine, those under Twiggs at San Angel, those under Pillow at Mexico, and those under Worth at Tacubaya, where Scott had his headquarters. In front of Tacubaya, a mile or more away, was a cluster of stone buildings known as Molino del Rey. They had been used as a foundry and formed the west end of an enclosure surrounding the hill and castle of Chapultepec. West of the Molino a quarter of a mile off was the Casa de Mata, a strong stone building defended by an earthwork. Between Casa de Mata and the Molino were batteries and infantry behind ditches. West of Casa de Mata was the hacienda de los Morales, held by another body of Mexicans.

On September sixth Scott was informed that bells had been taken from the churches in Mexico to be cast into cannon; that a sound like the boring of cannon had been heard near the Molino; that a large amount of powder was stored at Casa de Mata; and that the defences of the city were being strengthened. Santa Anna was thereupon charged with a breach of the armistice, and told that unless full and ample

* Polk's Diary, November 18, 1847.

apology was made before noon of the next day, hostilities would be resumed. The reply was not satisfactory, and Worth was ordered to carry the line of defences, capture the guns, and destroy the machinery in the foundry. Under cover of night the troops were drawn up and at dawn the attack on Molino del Rey began. The troops went gallantly forward, routed the enemy, took one of the guns and turned it on him. But he rallied, and from the house-tops poured in a terrific fire. The attack of the Americans, however, was irresistible, and the enemy was put to flight, as he soon was on the left, under the very guns of Chapultepec. The works on the enemy's right were next carried, and Casa Mata was blown up, after which Worth went back to Tacubaya.

Three days were now spent in studying the ground before Scott decided to capture Chapultepec and enter the city by that route. The rock of Chapultepec was in the eastern end of the enclosure of which Molino del Rey formed the west. It rose one hundred and fifty feet from the plain, was crowned by the castle and the buildings used as the Military School of Mexico, and was strongly defended by batteries on top and earthworks about the base. The south side of the enclosure from the Tacubaya road to Molino del Rey was a stone wall fifteen feet high. On the west were the buildings of Molino del Rey; on the north the aqueduct, the arches of which had been filled with masonry; on the east was another wall with a gate. Scott's orders were that Twiggs should make a demonstration against the San Antonio and Niño Perdido gates of the city; that Quitman should move by the road from Tacubaya against the batteries at the south-east base of the hill; that Pillow should seize Molino del Rey, and, moving through the enclosure, attack Chapultepec from the west; and that Worth at Tacubaya should be ready to support Pillow, and that Twiggs should render like aid to Quitman.

During the night of September eleventh, accordingly, Quitman moved up from Coyoacan to Tacubaya, and two batteries were put up, one on the road to Chapultepec and one near the road to Molino del Rey. To protect this, Pillow, early on the morning of the twelfth, seized Molino del Rey

and occupied it. All that day these two batteries and a third at the Molino bombarded the castle. Meantime two hundred and sixty volunteers were drawn from the army to make the assault on the hill, were provided with picks, crowbars, and scaling-ladders, and sent to Pillow and Quitman.

The morning of the thirteenth was fixed for the assault, and, all being ready, Pillow's men moved out from Molino del Rey, carried the intrenchments within the enclosure, drove the enemy through the grove to the foot of the hill of Chapultepec, and there halted to allow the stormers to take the lead. But they were still well in the rear, and a battery half-way up the hill having opened on the waiting troops, Pillow ordered an assault. Up they went to the crest, where want of scaling-ladders forced another wait; but when at last ladders were brought forward, the men rushed over the crest of the hill, ran to the ditch, jumped in, planted the ladders, and began to scale the wall. A sharp fight followed; but the Mexicans were put to flight, the castle and building were seized, and troops sent to the south-eastern angle of the castle to fire down on the rear of the Mexicans in the batteries at the foot of the hill.

Quitman had attacked these lower batteries, but was met by such a heavy fire of musketry and cannon that he stopped the advance and sent General Shields with a force to the westward to go over the south wall of the enclosure. This they did, and while a part went through an old breach well to the westward and followed the assaulting column to the top of the hill, the rest breached the wall near the batteries. The moment they were in the enclosure Quitman ordered a direct attack on the batteries. A desperate fight now began; but when the castle was taken and the Americans fired down on the rear, the Mexicans fled and the ground about the eastern foot of Chapultepec was cleared of the enemy.

Chapultepec taken, the march into Mexico began. Quitman took the Chapultepec road, a broad causeway leading directly to the Belen gate. Along the centre of the causeway ran the aqueduct carried on heavy masonry arches; on either side of the aqueduct was a wide, hard road flanked with a deep, wet ditch and marshy ground. About midway between

Chapultepec and the gate was a battery. There the defeated army had gathered and extended its line to the Piedad road on the south and to the angle of the aqueduct on the north. Toward the latter point Worth advanced from Molino del Rey. At the battery a stout fight was made; but the troops of Quitman carried it, the enemy retreated into the city, the Americans followed, fighting as they went till the advance was checked at the gate by a heavy fire from the citadel and nearby houses. There they stayed during the night.

Worth meantime had also met with sturdy resistance as he moved along the aqueduct; but he fought his way to the neighborhood of the San Cosme gate, where his troops awaited the coming of day. That night the Mexican army left the city and fled to Guadaloupe Hidalgo. At one in the morning of the fourteenth a deputation from the city came to the camp of Worth to ask for terms, and were sent to Scott at Tacubaya. Scott refused terms, and at dawn Quitman received a white flag from the citadel bringing word that the place was abandoned. His troops moved forward at once, marched to the Plaza, occupied the palace, and raised the flag over "The Halls of the Montezumas."

Later in the morning convicts, set free by the retreating army, disbanded soldiers, and the low element of the city, began an attack on the Americans from the tops and windows of houses. Scott thereupon ordered the streets swept with grape and canister, heavy guns to be turned on the houses whence the firing came, and none within to be spared. This was done; but not till the morning of the fifteenth was peace and order restored.

Santa Anna now resigned the Presidency and, at the head of such troops as he could gather, set off to attack the garrison at Puebla, where a band of guerillas, aided by the people, had risen against the Americans on the night of September thirteenth. He arrived on the twenty-second, and till October first the little garrison were hard pressed. On that day Santa Anna with four thousand men went off to meet a force of Americans on the march from Vera Cruz. It consisted of recruits and volunteer cavalry to the number of a thousand men. The march from Vera Cruz began on August sixth; but

again and again they were forced to stop and fight the guerillas, so that a week passed before Plan del Rio was reached. At the pass of Cerro Gordo the enemy was found in Santa Anna's old lines, and another fight occurred, and still another before Jalapa was entered on August nineteenth. There the troops remained till September twentieth, when a detachment of twenty-five hundred men arrived from Vera Cruz. The whole force now marched to the relief of Puebla, and October ninth came upon Santa Anna. The old story was repeated—a fight, a flight of the enemy, and the occupation of the town. Santa Anna now retreated to Atlixco and the Americans went on to Puebla, which they entered just as the guerillas were leaving. For nearly thirty days the garrison had held out bravely. The Mexicans at Atlixco were next attacked and scattered, and thenceforth no large body of Mexicans under regular commanders troubled the Americans.

On the resignation of Santa Anna the executive power passed to Señor Peña y Peña, President of the Supreme Court of Justice. September twenty-seventh he announced his assumption of office, appointed a cabinet, and began to prepare against attacks of ambitious leaders. Paredes, who had returned from exile, it was ordered should be seized wherever found and expelled from Mexico. Santa Anna was deprived of command and ordered to await the investigation of his conduct. Queretaro was selected as the temporary seat of Government, and there Congress was summoned to attend.

To the new government, thus set up, Trist now made offers of peace; but a month passed ere he was informed that commissioners would be appointed to continue negotiations.* Before this was done, however, Trist received † the second letter of recall, and instead of officially informing the Mexican Government that his mission was ended, sent word privately, by the British chargé, and urged the ministers "not to give up," whereupon the commissioners were at once appointed.‡

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* Luis de la Rosa to Trist, October 31, 1847. Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, pp. 227–228.

† November 16, 1847. Ibid., p. 228.

‡ Peña y Peña to Trist, November 29, 1847. Ibid., p. 99.

By this time the provisional government of Peña y Peña had ended and General Don Pedro Maria Annaya had been elected President *ad interim*, and Peña y Peña was Minister of Foreign Relations. To him Trist announced his recall, but told him that any communication on the subject of peace could be sent to Washington or to General Scott.

And now Trist changed his mind, resumed negotiations with the commissioners, and gave his reasons in a long and impudent letter to Buchanan.* His reasons were four in number: that the Government wished for peace, that the opportunity then presented must be seized at once or all hope of a treaty was gone, perchance, forever, that the boundary proposed by him was the best that could possibly be had, and that his recall was due to ignorance of the real state of affairs in Mexico. Polk read the letter with disgust, described the writer as a man without honor, and "contemptibly base," and the letter as "impudent, arrogant, very insulting, and personally offensive," and bade General Butler, who had succeeded Scott in command, if a treaty had not been signed, to notify Mexico that Trist would no longer be recognized by the President, and inform the late commissioner that he was not to regard himself as at the headquarters of the army, under the orders of his government. Before the letter reached Butler, Trist had signed the treaty with Mexico, and sent it to Washington.

* Trist to Buchanan, December 6, 1847. Senate Documents, 30th Congress, 1st Session, vol. vii, No. 52, pp. 231–266.

CHAPTER LXXXIII

THE FREE-SOIL MOVEMENT

Had Polk yielded to personal feeling he would have refused to consider the treaty as binding. Trist had stayed in Mexico after his recall, and had taken to himself powers that had been revoked. But his sense of public duty overcame his feelings and the treaty was laid before the Cabinet on the morning of February twentieth. Marcy, Mason, Johnson, and Clifford urged that it be accepted and sent to the Senate. Walker was for rejection, and so was Buchanan, who insisted that all Mexico east of the Sierra Nevada Mountains should be added to that ceded by the treaty. Polk was not convinced, and the following day told the Cabinet that he should send the treaty to the Senate. His reasons were, that it conformed to the instructions given to Trist in April; that he had been falsely charged with bringing on the war for the conquest of Mexico; that if he rejected the treaty Congress would grant neither men nor money for the further prosecution of the war, and that he should be forced to withdraw the army and lose New Mexico and California. In the Senate the opposition was strong. Indeed the chairman of the Committee on Foreign Relations told Polk that it would recommend the rejection of the treaty and advise the appointment of commissioners to make another. Most happily it did not, and ratification was finally secured. The yeas were thirty-eight, and the nays fourteen. Four Senators refused to vote. The document was now hurried by special commissioners to Mexico, where, on the twenty-ninth of May, it was duly ratified by the Mexican Congress at Queretaro. That same day General Butler, who had succeeded Scott as Commander-

in-Chief, announced to the army that the war was over and that the homeward march would be begun at once. About the middle of June the returning troops began to arrive at New Orleans. On July fourth the President formally proclaimed the treaty the supreme law of the land, and two days later laid it before Congress. The boundary line between the two Republics was to begin at a point in the Gulf of Mexico three leagues from land, opposite the mouth of the Rio Grande, go up the middle of that river to the south boundary of New Mexico, thence westward to the first branch of the Gila River, or to the point nearest such branch and then to it in a direct line, then down the middle of the branch and of the Gila to the Colorado, then across it and along the division line between Upper and Lower California to the Pacific. Fifteen millions of dollars were to be paid Mexico, three immediately after ratification and the rest in four annual instalments of three millions each. Claims decided against Mexico under the conventions of 1839 and 1843 were to be assumed and paid by the United States, and all others not yet decided were to be ascertained by a commission and paid to an amount not exceeding three and a quarter millions of dollars. Of the fifteen millions due Mexico three, he said, had been paid with the money appropriated in March, 1847, by the famous three million bill, and it was now the duty of Congress to provide for the payment of twelve millions more. Provision must also be made for a board of commissioners to settle the claims of our citizens on Mexico. Territorial governments should be at once established in California and New Mexico, and our laws extended over the newly acquired territory. In establishing such governments the President invoked that spirit of compromise, concession, and conciliation in which the Constitution had been framed and in which it should be administered.

Never was the spirit of compromise thus invoked by the President more needed, for even then the two parties were wrangling over the question of slavery in Oregon.

The usual bill to provide a territorial government for the settlers in that distant country had been reported to the Senate early in February, but was still far from consideration

when, late in May, the President sent a message which hastened action. He transmitted an earnest appeal from the temporary assembly of Oregon for troops to hold the Indians in check, and for a permanent territorial government. A special messenger had brought it on from Oregon, and the President urged the prompt passage of the much-needed measures. Then the bill was taken up in earnest, and might have been passed at once had not Hale, of Massachusetts, moved to add a section forbidding slavery. This was declared unnecessary and useless. Unnecessary, because Oregon lay within the boundary from which slavery was excluded by the Missouri Compromise; useless, because slavery could never be established there. No law passed by Congress, it was said, can have any effect on slavery in Oregon. In that country there is a law superior to any which Congress can enact on the subject of slavery. There is a law of climate, of geographical position, of nature against it. Who would think of taking slaves to the Lake of the Woods? And what would anybody think of a law forbidding slavery to exist there?

The amendment was withdrawn and debate began on a motion to strike out the twelfth section. In it were the words: "The existing laws now in force in the Territory of Oregon, under the authority of the Provisional Government established by the people, shall be valid therein." One of these laws forbade slavery. If it stood, Oregon would be free soil. If it were stricken out, the question would be left to be settled by the people acting under the government established by the act. Nobody, North or South, pretended to believe that Oregon would ever be a slave-holding territory. What those who wished it stricken out contended for was, that no principle should be adopted by legislation which could be held up as a precedent at some future day. Leave the matter, it was said, to the people. To confirm the antislavery law of the provisional government is as much a prohibition of slavery in Oregon as would be the extension of the Ordinance of 1787.

Calhoun objected to the section because it practically asserted the right both of Congress, and the territorial legis-

lature, to exclude slavery. Neither of them, he held, possessed any such power. Oregon was open to all citizens of the United States, must remain open, and could not be closed save by the people when they made a constitution preparatory to admission into the Union as a State.

Jefferson Davis moved to amend the section by adding the proviso, "that nothing in this act shall be so construed as to authorize the prohibition of domestic slavery in said territory while it remains in the condition of a territory of the United States."

Jefferson Davis was of Welsh descent. Early in the eighteenth century his grandfather, Eben Davis, left Wales, landed in Philadelphia, and finally found a home in Georgia. His son, Samuel, bore an honorable part in the War for Independence, and at its close settled near Augusta. But in him, too, the wandering spirit was strong, and when the movement of population across the mountains began he migrated and settled with his family in Christian County, Kentucky, where, in 1808, Jefferson, the ninth child, was born. A year later the father moved to Bayou Têche in Orleans Territory, and finally into lower Mississippi Territory. There young Davis spent his early boyhood, attended the log schoolhouse, and when seven years old was sent to a school kept by the Dominican Friars. At fourteen he entered Transylvania University, at Lexington, Kentucky, whence, in 1824, he went to the Military Academy at West Point. His course at the Academy completed, Davis was assigned to duty at Fort Crawford, Prairie du Chien, and later at Fort Winnebago and Galena. In 1832, he was back at Fort Crawford, served in the Black Hawk War, and while stationed at Fort Gibson, in Arkansas, resigned his commission, married the daughter of Colonel Zachary Taylor and became a cotton planter. The death of his wife a few months later unsettled him, but in time he went back to cotton planting in Warren County, Mississippi. Politics now attracted him, and after a defeat as a candidate for the State Legislature, he was chosen a Polk and Dallas elector, and, in 1845, took his seat in the House of Representatives. At the outbreak of the war with Mexico Davis was chosen Colonel of the Mississippi

Rifles, served with distinction at Monterey and Buena Vista, and, in 1847, was appointed to fill the unexpired term of Jesse Spaight in the United States Senate.

The questions now debated were, has Congress power to prohibit slavery in the territories? If so, is it just, is it expedient, is it according to the spirit of the Constitution to exercise the power? John A. Dix claimed for Congress unlimited power to legislate for the territories, and cited the Constitution, the opinion of Madison as given in the thirty-eighth and forty-third numbers of the *Federalist*, a long series of Acts of Congress, and decisions of the Supreme Court. Calhoun denied the absolute power of Congress over the territories. We of the South, said he, desire no action by the Government, ask for no law giving us any advantage in Oregon, are willing to leave it and all other territories, so long as they remain territories, open to all citizens, and when they cease to be territories, to let the people form such republican governments as best suits them, without restriction or condition. But is it true that the North has power to shut the South out of the territories? If so, where is that power to be found? Not in the relations in which Northern and Southern States stand to each other, for they are equal members of a common Federal Union. Not in the fact that the South holds property in slaves; for that kind of property is expressly recognized in the Constitution. Not in the way the territories have been acquired, for whether by purchase with the common funds, or by arms, the South as well as the North has furnished its full share. Not in the Constitution, for there is no specific grant of such power of exclusion, nor can it be inferred by deduction from any clear and acknowledged power. Neither have the legislatures nor the people of the territories any such power. If the territories belong to the United States, then neither the legislatures nor the people can exercise any power save what is granted to them. If the sovereignty of the territories be in the people of the territories, and not in the United States, then they may exclude what they please and whom they please. But in that case they cease to be territories, for how can sovereignty be divided, belong part to the United States and part to the people of

the territories? The exercise of the powers of sovereignty may be denied, but not sovereignty. The territories should be free and open to all citizens of the United States. There is no power by which citizens of the South may be stopped from emigrating with their property to any of them. The best way to settle the question is by no action. Leave the territories free and open to the emigration of the whole world, and when they become States let each adopt whatsoever kind of constitution it pleases, provided it be republican in form. The right of Congress to dispose of the territory of the United States and make all needful rules and regulations does not confer any power of government. It relates to them simply as public land.

Those who stood for the expediency of shutting out slavery from Oregon were divided by Senator Berrien, of Georgia, into two classes. In the first were statesmen who dreamed of extended empire and coldly calculated the best way to stock it with an able population. In the second were those who were horror-stricken at beholding the evil of slavery, who cried out against an institution of which they knew nothing, and mourned over calamities that had no existence save in their own imaginations. They were free-soil men. What, said another, will be the effect on the South if this pretension of the North is submitted to? There are now three million slaves in the South, and such is their ease and comfort that they increase faster than the whites. You propose to shut them in and declare that, under no condition, shall they be allowed to enter the territories. What, then, will be the condition of the South? With worn-out lands and an antislavery wall around them, the men of the South will have no choice but to abandon their plantations and their homes. You say this is right, and the slaves must stay there or come out as freemen. Where are they to go? What State will receive them as freemen? Not one. See the rivalry, hatred, and jealousy bred in the North by the presence of free blacks. See them dying and rotting in nakedness and filth, in the cellars and dens of your Northern cities. While Northern gentlemen picture the horrors of involuntary servitude, it is undeniably true that the free

blacks of the North are more degraded than the slaves of the South. It is infinitely better to let the whole subject alone. Leave the institution to work out its own destiny according to the immutable laws of climate, soil, and labor.

Davis, in defending his amendment, denied that the South wished to see slavery in Oregon. That slaves were property, that the owner might take them with him into any part of the Union, was what Southern men wished to see recognized. Slaves were property, and Congress had no right to meddle with property, to change the condition of the slave, or strip the master of his ownership. When new territory was acquired the property right was not changed. Neither Congress, nor the people in the territory, had any authority to alter the relation of master and slave.

At this stage of the debate Clayton pointed out the hopelessness of reconciliation and moved the reference of the question to a committee of eight. This was done, and to the committee was also sent so much of the President's message as related to New Mexico, California, and Oregon. In time a compromise bill was reported, providing territorial government for each of them.

To Oregon was given a complete territorial government with representation by delegate in Congress. To California and to New Mexico were given no delegates, and in each the legislative power was vested in the Governor, Secretary, and Judges of the Supreme Court. Existing laws passed by the provisional government of Oregon were to remain in force for three months after the first meeting of the legislature, to which was thus left the question of free soil or slavery. In California and New Mexico the legislative power was expressly forbidden to enact laws "respecting the prohibition, or establishment, of African slavery," and all questions growing out of it were referred to the Supreme Court of the United States.

The struggle over the bill was long and earnest, but a few minutes before eight o'clock, on the morning of July twenty-seventh, after a session of twenty-one hours, it was passed. The yeas were thirty-three and the nays twenty-two. On the following day the House promptly laid it on the table.

This hasty action of the House was denounced by the press of the South, and sometimes praised, and often condemned, by the press of the North. A newspaper in Vermont called the Compromise Bill a glorious measure of wisdom and pacification. The Boston *Advertiser* could not understand the opposition to the bill. It shut slavery out of Oregon as effectually as if done in express terms. New Mexico and California were left with no law authorizing slavery, and the legislative power was forbidden to make one. Surely it could not be pretended that slavery could have a legal existence without some law expressly authorizing it. Why, then, such bitter opposition? The Albany *Argus* declared that the rejection of the olive branch of conciliation was a subject of undisguised regret by the conservative and moderate Whig press of the North. It was a cunningly devised bill, said the Utica *Gazette*. It is much to be regretted that any of our Northern Senators felt compelled to sanction such ideas. It is a matter of congratulation that every Northern Whig in the House put his foot on a compromise hardly to be distinguished from a surrender. The Buffalo *Express* thought the bill wise and judicious, and would have been glad had it become a law. The Ohio *State Journal* wanted no more compromises with slavery. Oregon, by the express terms of the Missouri Compromise, was free territory, and so it should remain forever. As for New Mexico and California, the free States had protested, not only against their acquisition, but against the way they were taken, and had insisted that, if our domain were enlarged by conquest, the subjugated country should be free. They are now asked to compromise their firm resolves. The people of Ohio want no compromise. They desire the addition of no more States to this Union, and will resist to the last the admission of any more States in which any of the inhabitants shall be slaves. The *Western Reserve Chronicle* declared the end and aim of the misnamed Compromise Bill was to close the eyes of the North till the South had accomplished its nefarious designs. The New York *Tribune* called it "The New Compromise," "The New Dodge." The Charleston *Courier* hoped that those who defeated a measure that would have set at rest

forever the exciting subject of slavery would meet the condemnation which was their just due.

The House now sent its own Oregon bill to the Senate. To this the Senate made some amendments, one of which extended the Missouri Compromise line to the Pacific and declared the provisions of the Compromise of 1820 "in full force and binding for the future organization of the Territories of the United States." The House refused to concur in any of them. Whereupon the Senate, after a struggle, receded and passed the bill as it came from the House. In general, it was much the same as the Oregon part of the Senate bill, but in the fourteenth section was a declaration that the Ordinance of 1787 was spread over the territory.

Polk signed the bill, but when, according to usage, he notified the House of his act, he gave his reasons for signing a bill which left California and New Mexico "without government." Oregon, he said, lay north of the Missouri and Texas compromise line, and it was because the provisions of the bill were not inconsistent with that line, if carried from the Rio Grande to the Pacific, that he did not feel at liberty to withhold his signature.*

To the Southern members of Congress, and to the Calhoun men in particular, the passage of the Oregon bill gave great offence. Indeed, a paper calling for a meeting of Southern men, without respect to party, to protest against the course of Congress on slavery in the new territories, was drawn up and passed around for signatures. The attempt failed, but the Southern members left Washington fully determined to urge the slave-holding States to take decided action on the one great issue before the country, the exclusion of slavery from the territory taken from Mexico.

The presidential campaign was then well under way. It may be said to have been started by the Whig press when the country was rejoicing over the great victory at Buena Vista. The name of Benton was, indeed, placed at the head of the editorial column of a Boonville, Missouri, newspaper early in March, but the editor was promptly asked to withdraw it. When the cities and towns over all our country were ablaze

* Richardson's Messages and Papers of the Presidents, vol. iv, pp. 606–610.

with bonfires and illuminations in honor of the victory over Santa Anna, "Taylor meetings" became the rage, and scores of newspapers placed the name of Taylor at the head of their columns and adopted the words "Rough and Ready" as a campaign cry. A State convention of Whigs of Iowa nominated him in March. In April public meetings at Washington, Kentucky; at Norfolk, Virginia; at Cincinnati, and at Philadelphia declared him to be the man of their choice. The Whig State Convention of Maryland hailed him as one in whom "the highest trust under our Constitution may be reposed with entire confidence." The editor of the Cincinnati *Signal* in a long editorial gave many reasons why Taylor was the most available candidate. The canvass, he said, was in utter confusion. The Whigs of Pittsburg had nominated Judge McLean. Anti-war Whigs of New England and the Western Reserve inclined toward Senator Corwin. Whigs in the Southern and Western States had a fancy for Scott which a victory at Perote would make manifest. But beneath it all was a deep and strong undercurrent toward Henry Clay, made all the stronger by the widespread sympathy caused by the death of his gallant son. Nor were the Democrats more united. Cass had many and warm friends in the West. Calhoun with his compact body-guard stood ready to advance his own presidential fortunes or mar those of other aspirants. Silas Wright was still a favorite, while in the quiet of Lindenwold sat the statesman of the party, never again, perhaps, to mingle in the strife of politics, yet more likely to prove available in a strict party trial than many other men whose names were often coupled with the presidency.

In the general confusion, the belief existed that the election would go to the House of Representatives. Such a result was much to be deplored and might be averted by a popular movement toward an independent President. Such was Taylor for both parties claimed him and neither, by his election, would gain a triumph nor suffer a defeat. The war again had removed many of the exciting topics which for years had divided the country. A debt of a hundred millions made necessary a tariff high enough to satisfy New England and Pennsylvania and prevent the distribution of the land sales.

Never again would the Whigs advocate a National Bank, nor Congress destroy the independent treasury. Coming questions must be settled by the people in their own way. With the old political issue put off under pressure of circumstances, and the new left to the people, all that was asked of the President was to hold his hand, give an honest Administration, put an end to cabals in the Cabinet, and bow to the will of the people.*

A copy of the editorial was sent by the editor to Taylor and drew from him a letter.† For the high honor and responsibilities of the presidency, Taylor said, he had not the slightest desire. A more tranquil life awaited him, he hoped, after the close of his present duties, in the society of his family and the companionship of his friends. In no case would he be the candidate of any party. When asked if he would accept a nomination by the Native American party, if tendered, Taylor replied that while the country was at war he had no ambition beyond that of giving his best services to ending our difficulties with Mexico.‡

A few Whig papers took offence at this statement. He showed too little fealty to the party. If General Taylor, said the Richmond *Times*, holds to his determination, the Whig party cannot be expected to give up its organization to raise him to the presidency. Whigs have done homage to his noble moderation, good sense, and calm dignity under the slights of a hostle Administration. Whigs, in Congress and out of Congress, have rallied to defend his reputation from ungenerous assault. Almost unanimously they have looked forward to the time when they could reward him with the highest place in the civil government. But if he chooses to decline that testimonial of their gratitude, because they offer it as Whigs, nothing is left but to accompany him to the retirement he covets with unabated affection.

Nominations, however, continued to be made. A meeting, without regard to party, at Raleigh, endorsed him. The

* Cincinnati Signal, April 13, 1847.

† Taylor to J. W. Taylor, May 18, 1847. Niles's Register, July 3, 1847, p. 288.

‡ Letter of April 28, 1847, in reply to that of National Native American Convention of New Jersey, March 16, 1847.

Georgia Whig State Convention unanimously nominated him, and the Democracy of Pennsylvania, assembled at Harrisburg under the lead of Senator Cameron, accepted him as the next candidate for the presidency. Alarmed at such movements, the Washington *Union* urged the Democrats to put off the question of a candidate till the meeting of the national convention, and called on them to hold to the system that had given the party so many triumphs. Any action by any section of the Democratic party in behalf of General Taylor was unsafe, unwise, and contrary to his wishes. He was still a military chieftain at the head of our army on the field of battle. The people would not risk the hazard of selecting a man so situated to fill the highest civil office in the land, nor would they hear from a candidate for the presidency so strong a disclaimer of all party ties, without serious consideration.

The Democrats, the Boston *Post* claimed, could elect anybody on whom they united; could best unite on a candidate by means of a national convention, and ought therefore to hold one. When and where were of no consequence. Only let it be settled that a convention would be held. The Washington *Union* agreed with the *Post*, and deprecated the nomination of any aspirant by his friends, by political associations, or by the newspapers. A national convention of delegates was the best mode of nomination.

The Liberty party press, meantime, was debating the question of a national convention. Some were for holding it in the fall. Others were for a later date with a view to supporting the candidate of either of the old parties that might adopt their principles. But the question was settled by the national committee of the party selecting October. Just what was the purpose of this party was not understood even by its members. One faction, made up of the old Garrisonians who founded the party in 1840, insisted that its sole aim was to secure the abolition of slavery. Another, composed chiefly of those who joined the party in 1844 and after, insisted with equal vehemence that the party was founded in the interest of universal political reform. So determined was this faction to have its way that some forty members

called a national convention which met at Macedon, New York, and then and there founded the Liberty League and nominated Gerritt Smith, of New York, for President, and Elihu Burritt, of Massachusetts, for Vice-President. The radicalism of the League was well illustrated by a statement made some weeks before by Gerritt Smith to friends who urged him to accept the nomination if tendered. He declined, but said that if he were President he would stop the war with Mexico, give back the territory already taken, ask pardon of God and Mexico for the wholesale murder of the Mexican people, abolish the army, the navy, and all customs duties, substitute direct taxation for the tariff, stop selling the public lands, give a portion to every man who needed it and make the homestead inalienable, allow no distinction between native and adopted citizens, and appoint to office no man who was a member of a secret society, or was in favor of the sale of intoxicating drinks, or who owned slaves. Another Administration paper urged the Democrats to bide their time, not to hurry, but wait for the future to point out the best course to follow. Had the opponents of Taylor kept quiet the furore which followed the victory at Buena Vista would have died out of itself. Scott's splendid victories would have sunk Taylor into popular forgetfulness but for the skill of his partisan press in defending him, and the innocence of the Democratic press in assailing him.*

This let-alone doctrine, said the New Orleans *Bee*, implies that the people are a capricious, shifting, childish multitude, as easy to be led by the nose as asses; that if the Democratic press will make no mention of "Old Rough and Ready" and suffer his name and fame to slumber, the people will forget that he lives and turn to some new luminary. This was quite of a piece with the course of the Democratic party ever since Taylor was nominated by the people. Dreading the power and popularity of his name, it first sought to prove he was not a Whig. After proof of his Whiggery was given, it began to cry down his abilities and cast slurs on the part he took in the immortal triumphs of the army on the

* Philadelphia Spirit of the Times.

field of battle. Now its cry is let him alone, let the fire die out.

The old general, said the New Orleans *Delta*, flatly refuses to take up the cares of office trammelled by party obligations. Unless he surrenders, the claims heretofore made by the Whigs in behalf of the hero of Buena Vista may be considered as put at rest. The idea of electing a President by breaking up parties sounds well to the ear, but everybody knows it cannot be done. General Taylor, said the Baltimore *American*, will be every inch a President. What he thinks it his duty to do that will he do, and there's an end of it. His obligations will be to the Constitution; his aim, the good of the whole people. The people, said the Louisville *Courier*, want a better order of things. They are looking for a return to the honest simplicity and patriotism of earlier days. They believe Taylor the only man living able to bring about the desired reforms.

The people, accordingly, went on nominating him. A meeting at Chester, New York, declared a convention unnecessary because Taylor was already named by a large majority of the people. The Whigs of Trenton adopted resolutions nominating him and sent a copy to the camp near Monterey. Taylor answered, that if the people desired to place him in the office of Chief Magistrate, he did not feel at liberty to refuse and would endeavor to serve the country with all the ability he possessed.* A Whig convention in the Second Congressional District of Louisiana presented Taylor to the people and asked their aid to put him in the presidential chair. A Democrat of Clinton, Florida, having asked Taylor for his opinion on the justice of the war, on the necessity of a National Bank and the power of Congress to establish one, and on the effects of a protective tariff and the power of Congress to create such a system of revenue, he replied, that as a soldier it was not proper for him to express an opinion on the war. It was enough for him to know that his country was at war. As to the second and third questions, he was not ready to answer them, could not do so till

* Taylor to John T. Clarke, June 21, 1847.

he had investigated them, and had no time to investigate. For the presidency he had no aspirations, and was sorry the subject had been agitated at so early a day, especially if he was to be mixed up with it. If others considered him a candidate, it was through no agency of his. Should he ever occupy the White House, it would be through the spontaneous movement of the people. In that event he would feel bound to serve them, and would do so honestly and in strict compliance with the Constitution.* Early in June a Democratic convention at Clarksville, Tennessee, after declaring that Democrats could support no man whose opinions were not well defined and thoroughly Democratic, appointed a committee to question Taylor. He declined to give any opinion on political matters. He was, he said, no politician. Nearly forty years of his life had been spent in military service in the field, in the camp, on the frontier, in the Indian Territory, and in Mexico. He had never had time to devote to the investigation of political issues, and never had attempted to do so. If he were to be a candidate, it must be through no agency of his, but by the spontaneous movement of the people.†

Early in July a meeting of the people of Raleigh nominated him and sent a copy of the proceedings. He replied, that while ready to yield to the popular will and serve the country in any capacity to which he might be unanimously called, he doubted his fitness for the office of Chief Magistrate.

The effect of this series of letters, all in the same vein, was to turn against him, for the time being, the strongly partisan press. The New York *Tribune* did not want a candidate who was not a Whig openly, boldly, and decidedly, and who would not fearlessly avow it. The Albany *Journal* was sure Taylor was not as strong as he had been. His letters were putting a new face on things. If he kept on it was by no means certain that the old veteran would not write the people into serious doubts as to his fitness for the presidency. When the Native Americans met in national convention at

* Taylor to Edward Delany, June 9, 1847.

† Taylor to Wilcox and others, July 23, 1847.

Philadelphia, they would gladly have nominated Taylor. But his refusal to state his views on current issues made this impossible. No presidential nomination, therefore, was made; but by a unanimous vote Taylor was recommended. General Dearborn, of Massachusetts, was named for the vice-presidency. At Harrodsburg, Kentucky, a meeting which claimed to be non-partisan, such a spontaneous movement of the people as Taylor approved, nominated him and called for a mass-meeting of Kentuckians in February to make a more formal nomination.

That he was clearly the choice of the people was unmistakable. He had not, it was said, been formally nominated by any clique or party, nor in any one section of the country. But there was a general, a spontaneous nomination by popular voice in all parts of the country. This would soon take shape if "Old Rough and Ready" were spared Mexican bullets. The people had twice tried the experiment of trusting a Baltimore convention to select a candidate, and twice were obscure men thrust on them. Henceforth they would select, as well as elect, their Presidents.* All parties, and all the politicians, might combine against Taylor; abolitionism, Fourierism, and radicalism might unite to cry him down; the North and the South might rally as they pleased on the Wilmot Proviso, and the cry of "slave-holder" might be uttered by every Abolition press and throat in the land, but it would not avail. A great, generous, and grateful people would unite, and with one accord put Zachary Taylor in the seat of him who had not scrupled to plan his destruction.† The people of the North and the West, of both parties, were tired of party warfare. They wanted a change, and Taylor, by refusing to be a party candidate, was their man. It was useless to ask the reason why and wherefore, or what particular principles were to be furthered by his election. The answer would always be, "Old Rough and Ready" is an honest man and may be trusted to do right.‡

In another letter, written in August and made public in October, Taylor again declared that he was not before the

* New York Mirror. † New York Courier and Enquirer.
‡ Boston Courier.

people as a candidate, that his great desire, at the end of the war, was to return to private life; but if he were called to the presidential chair by the general voice of the people, without regard to their political differences, he should deem it a duty to accept. In no event could he consent to be brought before the people exclusively by any of the political parties. He had never yet voted; but had he done so at the last presidential election he would certainly have voted for Clay.

This declaration that he was a Whig was made more emphatic still in an answer to a letter purporting to have been written by Mr. Joseph R. Ingersoll, a member of Congress from Pennsylvania. The letter, which was a forgery, and was not written by Mr. Ingersoll, stated that he had assured a meeting in Philadelphia that Taylor was a Whig, not an ultra-partisan Whig, but one in principle, and wrote to ask if he was not right. Taylor answered that the statement was "entirely correct." He could not see how any man who heard, or read, the speeches in Congress when he was attacked for his conduct in the capitulation of Monterey could be in doubt as to the complexion of his politics. At the last presidential election he was decidedly in favor of Clay, and would rather see him than any one else in the Union in the presidential chair. As for himself, he was not vain enough to think he was fit to be President, and would gladly see some other citizen, more worthy, chosen by the people for that high office.*

As the autumn wore away State conventions were held by both parties, and from these gatherings came expressions of opinion as to who should be candidates and how they should be nominated. In Michigan, Massachusetts, Connecticut, and New York both parties called for National Conventions. The Michigan Democrats suggested Cincinnati as the place. The Massachusetts and New Hampshire Whigs recommended Webster as the candidate. The New York Whigs asked the members of Congress to fix the time and place of their convention. In the New York Democratic

* Taylor to J. R. Ingersoll, August 3, 1847. Niles's Register, October 23, 1847, and February 26, 1848.

Convention the old quarrel between the Barnburner, or radical wing, and the Old Hunker, or conservative wing, grew so bitter that the Barnburners held a convention at Herkimer, adopted the Wilmot Proviso, and called a State Convention to meet in February and appoint delegates to the National Convention at Baltimore.

A national convention of the Liberty party nominated John P. Hale, of New Hampshire, for President, and Leicester King, of Ohio, for Vice-President. A Pennsylvania editor selected Van Buren, and asked leave to put that name at the head of his paper. Van Buren replied that he had no desire to be President. Were the nomination tendered him by the whole Democratic party he could not, consulting his own wishes, hesitate to decline it. He, too, wished to see the old efficiency of his party restored, its waning zeal rekindled, its high and pure character preserved. Whether this could be done depended on the course taken by the friends of candidates for the presidency. Should Washington, during the coming session of Congress, become the rallying-point of their followers, and the time and attention of that body be devoted to President-making instead of law-making, there would be little hope of accomplishing this desirable purpose. The real friends of the Democratic candidates would woefully mistake the interests of their favorites if they did not limit their rivalry to efforts to extricate the country from the dangers by which it was beset. Another Pennsylvania journal proposed Buchanan. A meeting of Kentucky Democrats named Dallas and General Butler.

On the anniversary of the battle of Monterey a Democratic Taylor State Convention nominated "Old Rough and Ready" at Harrisburg. When the Virginia legislature met the Whig members called a convention and declared that Zachary Taylor would be a most acceptable candidate to the people of Virginia. The Whig members of the legislature of Tennessee made a like nomination. The Ohio Democratic State Convention supported Cass. Meetings in Texas were for Houston. Whigs in Lebanon, Pennsylvania, were for Scott. In New York City a call was issued for a meeting to nominate General Worth. On Jackson Day the Indiana

Democratic State Convention endorsed Cass. Taylor meetings were held at New Orleans, at Montgomery, in several parishes of Louisiana, and at various places in Kentucky, Pennsylvania, Delaware, Florida, Tennessee, Virginia, and in other States.

Congress by this time was in session, and late in January the Democratic members met in the Senate Chamber and called a national convention, to be held at Baltimore on the fourth Monday in May. Two days later the Whig members sent forth a like summons, but left the time and place to be determined later. Philadelphia, June seventh, was finally chosen. The political arena, it was truly said, was now all bustle and confusion. Never before had so many candidates and so many serious issues been before the people. The cause of the war, the object for which it should be continued, whether supplies should or should not be voted, the terms of peace, the question of indemnity, the character of the new territory, if acquired, the Wilmot Proviso, the extension of the compromise line to the Pacific, the "no more territory" policy, the "whole of Mexico" policy, Calhoun's "defensive line" policy, were questions which sorely distracted all parties. From the Whig standpoint the safest and most available candidate was Taylor. He had avowed himself a Whig and a follower of Henry Clay, and had refused to give any opinion on the issues of the day. His popularity was great and his nomination had been called for at scores of meetings of the people. One, at Castle Garden, in New York, had indeed nominated Clay. But Taylor was beyond all doubt the choice of the Whigs, and on the anniversary of the battle of Buena Vista he was named by meetings at Cincinnati and Philadelphia.

On May twenty-seventh the Democratic Convention assembled at Baltimore. Delegates from thirty States were present, and among them were delegations from the two factions which now hopelessly divided the party in New York. Before hearing their claims to seats, the Committee on Credentials insisted that each should give a pledge to abide by the decision of the committee, and to support the nominee of the Convention. The Barnburners refused to do so; the Old

Hunkers gave the pledge, and on the evening of the second day the committee reported that they were entitled to seats, and to cast the vote of New York. A warm debate followed, the report was tabled, and a resolution adopted that each delegation should be heard by the Convention on the morrow.

On the morning of the third day, accordingly, Senator Dickinson pleaded the cause of the Old Hunkers. He urged the importance of party unity and organization, claimed that the Hunkers represented the regularly organized Democracy of New York, and stated the cause of the quarrel and disunion, which was, he said, the tabling by the Syracuse Convention of a resolution against the introduction of slavery into any territory.

J. C. Smith spoke for the Barnburners. The first cause of rupture, he said, was the attempt of the Hunkers to get and to hold all public offices to the great injury of the State. His party had burned the barn to drive these rats from the public granary, and hence the name. The Hunkers hunkered after office, and hence their name. He denied that the Barnburners were Abolitionists, declared they stood for state rights, but were in favor of extending to all States formed from territory then owned by the United States or to be acquired, all the provisions of the ordinance framed by Thomas Jefferson for the Northwest Territory. On the morning of the fourth day it was decided to seat both delegations, give New York seventy-two votes, and that "the vote and strength of every other State be relatively increased." Neither faction would accept the offer, and New York cast no vote in the Convention.

The work of organization having been finished, nominations of candidates began. "I nominate," said a member from Pennsylvania, "in the name of the Democracy of my State, the distinguished son of Pennsylvania, James Buchanan." "I beg leave to nominate," said a member from Mississippi, "Lewis Cass, of Michigan." Hannibal Hamlin, of Maine, named Levi Woodbury. Others presented George M. Dallas, W. J. Worth, and Calhoun. Cass was far in the lead from the start, but it was not till the fourth ballot that

he received more than the necessary two thirds and was declared duly nominated.* An attempt was now made to secure a unanimous nomination. But Yancey, of Alabama, and a delegate from Florida, refused because of their instructions on the Wilmot Proviso. Mr. Smith, one of the Barnburners, then read the reasons why his delegation declined to take seats in the Convention. At the evening session it was therefore moved that the Hunkers cast the thirty-six votes of New York and that the Convention "repudiate the Wilmot Proviso." A stormy scene followed and the resolutions were withdrawn.

Five candidates were now nominated for Vice-President, and on the second ballot William O. Butler was chosen. The platform declared that the powers of Government were limited; that the Constitution should be construed strictly; that Congress had no authority to carry on internal improvements, or charter a bank, or assume the debts of the States, or establish a protective tariff; that the proceeds of the public lands should not be distributed; that the President should have the qualified veto; that Government money should not be deposited in the banks, and that Congress had no power to meddle with the domestic institutions of the States. All efforts of the Abolitionists and others to induce Congress to interfere with slavery were dangerous to the stability of the Union and ought not to be countenanced. The Mexican War was declared just and necessary; the officers and soldiers were

*	Ballots			
	(1)	(2)	(3)	(4)
Cass	125	133	156	179
Buchanan	55	54	40	33
Woodbury	53	56	53	38
Worth	3	6	5	1
Dallas	3	3	0	0
Calhoun	9	0	0	0
W. O. Butler	0	0	0	3
Total	248	252	254	254
Necessary to a choice	166	168	170	170

thanked for their services, and the French people congratulated on the overthrow of monarchy and the establishment of a Republic.

The Whig Convention met at Philadelphia on the seventh of June. The names of Taylor, Clay, Scott, Webster, McLean, and Clayton were presented. But Taylor was the only real candidate, and was chosen on the fourth ballot. Millard Fillmore was nominated for Vice-President. No platform was adopted. A document, written by Taylor in April and known as the Allison Letter, was considered as quite sufficient. He was, he said, a Whig, but not an ultra-Whig, and if elected would not be the mere President of the party, but would act independent of party domination. The veto should never be used save in clear cases of violation of the Constitution, or of manifest haste on the part of Congress. In such matters as the tariff, the currency, internal improvements, the will of the people as expressed through Congress should be carried out by the President. Our treatment of Mexico should be magnanimous.*

June was a month of conventions. On the second the Liberty League, at Rochester, nominated Gerritt Smith and Charles E. Foote, of Michigan. On the thirteenth, the Industrial Congress, composed of delegates from the labor organizations, met at Philadelphia, declared for free lands for actual settlers, and exemption of the homestead from seizure for debt, and named Gerritt Smith and William S. Waitt, of Illinois. On the twentieth the Free Territory Convention gathered at Columbus. Four hundred delegates from all parts of Ohio attended, recommended a national convention at Buffalo, in the month of August, to nominate candidates, called for the election of none save Wilmot Proviso men to Congress and the State Legislature, and declared for no more slave States, no further extension of slave territory, no submission to slave-holding dictation, and for a candidate for President who was firmly pledged to unswervingly uphold the principles of the Free Soil party.

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* Taylor to Captain J. S. Allison, April 22, 1848. Niles's Register, July 5, 1848.

While the Ohio convention was in session the Barnburners gathered at Utica and listened to a letter from Van Buren. After stating that his determination to retire from public life was unchanged, he reviewed the work of the Baltimore Convention, approved of the conduct of the Barnburners at that meeting, and urged them to stand firm and nominate a candidate for the presidency. The extension of slavery was a moral curse. He was in favor of free territories and cited eleven Acts of Congress in defence of this position. The convention was so pleased with his sentiments that it could not wait for a formal nomination and chose him by acclamation. Senator Henry Dodge was named for Vice-President.

Some Whigs of Massachusetts, led by Charles Francis Adams and Charles Sumner, who were displeased with the nomination of Taylor, held a convention at Worcester. They refused to support any candidate not opposed to slavery extension, declared for free soil and free men, free speech and free press, a free land and a free world; and approved of the wisdom and manliness of Van Buren's letter read before the Utica Convention.

The press of the great parties received the news of the nomination of Van Buren with no little concern. This, said the New York *Journal of Commerce*, divides the Democratic party and gives Taylor the six-and-thirty electoral votes of New York. The *Post* was greatly pleased and believed Van Buren would be supported by the Free Soil Democrats everywhere. The *Tribune* would not be surprised if Hale withdrew in his favor. Martin Van Buren, said the Washington *Union*, by throwing himself into this wild and fatal current, will sink and rise no more. The Cincinnati *Signal* abandoned Taylor and came over to the Utica candidate. The New York *True Sun* was of the opinion that if Andrew Jackson were alive Martin Van Buren would never have dared to take the course he had. The roar of the lion of the Hermitage would have kept the fox in his hole.

And now the minor candidates began, one after another, to decline. Rumor said that Hale had withdrawn, and it was answered that his friends would support Van Buren.

Next went William S. Waitt, the vice-presidential candidate of the National Reform party, and then General Dodge. He would, he said, heartily support the Democratic nominees, Cass and Butler.

What the Free Soil Convention would do when it met at Buffalo, now that Van Buren was in the field, was a matter of great concern. Would it, too, nominate him? Would the Liberty party, if Hale withdrew, unite with the Free Soilers and attend the convention? Wilmot announced that he would support Van Buren heartily. Hale urged his followers to attend the Buffalo meeting and aid, by their counsel, the union of all opponents of slavery and slavery extension. But he would not withdraw without the approval of his friends. Nobody was surprised, therefore, when Van Buren and Hale were presented to the convention. Van Buren was nominated for President and Charles Francis Adams for Vice-President, and a long platform was adopted. It set forth that, in the judgment of the convention, Congress had no more power to make a slave than to make a king, that it was the duty of the Federal Government to relieve itself of all responsibility for the existence of slavery, so far as it could, and that the best way to prevent the spread of slavery into territory then free was to forbid its existence therein by law. The issue forced, it was said, on the Free Soilers by the slave-holders was accepted, and to the demand for more slave States they gave back the answer, no more slave States and no more slave territory. The Compromise Bill, but recently passed by the Senate and defeated in the House, was denounced as no compromise but an absolute surrender of the rights of non-slave-holders. Cheap postage, free territorial government for Oregon, New Mexico, and California, the abolition of all unnecessary offices and salaries, river and harbor improvements, prompt payment of the national debt, a revenue tariff, free lands to actual settlers, and election by the people, whenever practicable, of all civil officers, were demanded. "We will inscribe on our banner," so ran the last resolution, "free soil, free speech, free labor, and free men, and under it we shall fight on, and fight ever, until a triumphant victory shall reward our exertions."

The faces of the Free Soilers were set toward the future. Little wonder, then, that fault was found with its platform by those who looked backward. It was charged with dealing in abstractions of very small, or at least very remote, consequence. The great issues of the day had been carefully shunned. Nothing had been said about the Mexican War for the acquisition of territory, about the executive usurpations that had sprung out of the war, or the lust of dominion engendered by it, or the untold millions that would be needed to pay for it, nor about the twenty thousand lives sacrificed to a bad ambition. These were the proper subjects for a party platform.

The immediate effect of the Free Soil movement and the nomination of Van Buren was the breaking up of the Liberty party. Hale at once withdrew and came out openly for Van Buren and Adams. His followers fused with the Free Soilers in Massachusetts, New York, and New Hampshire, and attended their State conventions, and nowhere was a Liberty party electoral ticket run. Free Soil electors were voted for in all the New England States, in all the Middle States save Delaware; and in Ohio, Indiana, Illinois, Michigan, and Virginia. A new party had been born.

The election was made memorable by the fact that for the first time in the history of our country presidential electors were chosen in all the States on the same day. Everywhere, save in South Carolina, the choice was determined by popular vote. In number the States were equally divided; fifteen were carried by the Whigs and fifteen by the Democrats. Seven free and eight slave States voted for Taylor and Fillmore, and eight free and seven slave for Cass and Butler. The free States gave Taylor and Fillmore ninety-seven, and the slave States sixty-six electoral votes. The free States gave Cass and Butler seventy-two, and the slave States fifty-five electoral votes. Taylor therefore received a majority of the electoral votes on both sides of the Mason and Dixon line, and was elected. Nine contiguous States along the seaboard, from Massachusetts to Maryland inclusive, voted for Taylor. Seven contiguous States—Ohio, Indiana, Illinois, Michigan, Wisconsin, Iowa, Missouri—voted for Cass. Florida, on the

extreme south-east, went Whig. Texas, on the extreme south-west, went Democratic.*

Van Buren received a popular vote of two hundred and ninety-one thousand scattered over twenty-one States. Nearly one half was cast in New York. In the great section of country stretching along the seaboard from South Carolina to Texas he was given four votes—one in Louisiana and three in Texas. The strength of the Free Soil party lay in Massachusetts, New York, and Ohio.

* For Taylor and Fillmore.		For Cass and Butler.	
Massachusetts	12	Maine	9
Vermont	6	New Hampshire	6
Rhode Island	4	Virginia	17
Connecticut	6	South Carolina	9
New York	36	Alabama	9
New Jersey	7	Mississippi	6
Pennsylvania	26	Texas	4
Delaware	3	Ohio	23
Maryland	8	Indiana	12
North Carolina	11	Illinois	9
Georgia	10	Michigan	5
Florida	3	Wisconsin	4
Kentucky	12	Iowa	4
Tennessee	13	Missouri	7
Louisiana	6	Arkansas	3
	163		127

CHAPTER LXXXIV.

TRADE ROUTES TO THE PACIFIC.

When Trist received his instructions concerning the treaty he was to make with Mexico, he was bidden to do his best to secure a right of transit over the Isthmus of Tehuantepec. Plans for some means of easy communication between the Gulf and the Pacific had been long before the world, and in the course of time three routes—the Tehuantepec, the Nicaragua, and the Panama—had been selected.

To the second of these the attention of our countrymen was drawn in the last days of Monroe's Administration, when the minister from Central America formally invited the United States to build a canal across the state of Nicaragua. Such a waterway could not fail, the envoy said, to promote the prosperity of both the old and new worlds. Under happier conditions the honor of constructing it would not be given up by Central America. But, in the first moments of her existence, with a government to be made secure and political institutions to be developed, she could neither turn her attention from these matters nor spend her still scanty resources on objects not of the first necessity.

Such sentiments most happily did not lead her to act in a spirit of meanness. They rather led her to seek foreign aid in building this work of world-wide benefit, and nothing would be more grateful to her than that such co-operation should come from the United States, that generous nation whose noble conduct was a model and a protection to all America. The Republic of the Centre would do all in her power to further the enterprise; a company of American merchants stood ready to undertake it the moment the right of

way was secured by a treaty between the two governments, and if a diplomatic agent to the Republic were appointed by the United States such a treaty would easily be made.*

Clay answered the note, dwelt on the importance of a canal, on the advantages of the Nicaragua route, and announced that the *chargé* about to be sent to the Republic would be instructed to investigate and report. But almost a year sped by before he was bidden to inquire as to the length of such a canal, the nature of the country through which it must pass, and the possibility of abundant water supply.

The Congress of Central America meantime resolved that a canal should be cut, and a contract was made with Aaron H. Palmer and associates of New York, and at once assigned to The Central American and United States Atlantic and Pacific Canal Company, of which De Witt Clinton was the guiding spirit. The capital of the company was to be five million dollars, of which Clinton and his friends promised to secure one million; but the attempt to raise the rest in a country affording innumerable means for safe investment seemed so unpromising an undertaking that Palmer was sent to London, where he issued a prospectus and offered seventy-five hundred shares at one hundred pounds each; † but all in vain.

Failure of the American Company was followed by the arrival in Nicaragua, two years later, of the envoy of the King of the Netherlands with full power to obtain a concession to build a canal. He came at a time of great confusion, for the Republic was then engaged in one of its frequent revolutions; the combined forces of San Salvador and Honduras had laid siege to the city of Guatemala and soon forced it to surrender; and a year passed before he laid his proposition before the Congress. By that time the Netherlands were in a state of revolution, and ere the concession was granted the King of the Netherlands had lost Belgium.

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* Antonio José Canaz to Adams, February 8, 1825. Reports of Committees, 20th Congress, 2d Session, vol. ii, No. 145. Central America was then composed of Guatemala, San Salvador, Honduras, Nicaragua, and Costa Rica.

† A long notice of the canal enterprise appeared in the National Intelligencer, September 25, 1826.

When Livingston, our Secretary of State, was informed of the plans of the Dutch he became much concerned, wrote to our representative at Guatemala and bade him inquire if a concession had been granted, procure an authentic copy of the act if act there were, and if any privileges had been granted to a foreign power, declare that the United States considered itself entitled to the same. Should the grant not be completed he was to endeavor to procure for citizens of the United States the right to subscribe to the stock.*

Once more the attempt to form a canal company came to naught. Meantime the Chamber of the District of Panama took up the question of transit across the isthmus, the Executive of New Granada appealed to the Congress, was authorized to conclude a contract for a railroad with any individual who would agree to finish it within two years, and called for proposals to be submitted before the fifteenth of January, 1835.

None were made, but early in that year an agent of Charles, Baron de Thierry, offered to deepen and widen the rivers Chagres and Grande, cut a canal between their head waters, and at the end of fifty years deliver it to New Granada, and obtained a concession.

The activity of foreigners again aroused interest at home and the Senate requested Jackson to consider the expediency of opening negotiations with Central America and New Granada for the purpose of protecting, by treaty, such persons or companies as might undertake to cut a canal across the isthmus, and securing forever to all nations the free and equal right of navigating it on payment of reasonable tolls.†

To gather information preparatory to such negotiations Jackson selected Charles Biddle and bade him to go first to Port St. John, ascend the San Juan River to Lake Nicaragua and go thence by the proposed canal route to the Pacific, collecting as he went full and accurate data as to the practicability of either a railroad or canal. This done, he was to go to Guatemala, procure copies of any laws incorporating canal companies and of plans, surveys, and estimates if any existed.

* Livingston to Jeffers, July 20, 1831.

† Journal of the Senate, March 3, 1835.

From Nicaragua he was to repair to Panama, go over the route of the proposed railroad, and then proceed to Bogota and obtain such information as he could bearing on the contemplated road.

Thus instructed, Biddle made his way to Havana and then to Kingston in Jamaica, and finding that he could not reach San Juan unless a vessel were chartered for the trip, and having been told that communication between the Atlantic and the Pacific by the San Juan River and Lake Nicaragua was utterly impossible, he broke his instructions and went direct to Panama, where he was warmly received by the Society of Friends of the People, and by members of Congress who accompanied him on the long journey to Bogota.

There, forgetful of the high trust imposed on him, he, with fourteen citizens of New Granada, formed a company to build a railroad or a macadamized road from Panama to Cruces, and operate steamboats on the Chagres River.* When Secretary Forsyth heard of these proceedings he bade our *chargé* at Bogota assure the Government of New Granada that the United States had no part in the enterprise, that Biddle had acted as an individual and not as an accredited agent, and demanded from him the reason why he did not visit Central America. But his death in December, 1836, closed the incident.

The project of better transportation across the isthmus, however, was not suffered to rest, and in January of 1838 a memorial from citizens of New York and Philadelphia praying that the governments of Great Britain, France, and Russia be asked to co-operate with our own in building a ship canal was sent to the Committee on Roads and Canals.† After deliberating for a year the committee reported that the supply of water was not sufficient for a canal, that a road might be practicable and advised that the President continue negotiations.‡ A confidential agent was then sent to Central America to gather the information Biddle had

* Niles's Register, October 1, 1836, vol. li, p. 69. † March 2, 1839.

‡ House Reports of Committees, No. 322, 25th Congress, 3d Session, vol. ii, pp. 330–337.

failed to collect. He reported in favor of the Nicaragua route, believed a canal could be built for twenty-five millions of dollars, but did not think capital should be invested while political conditions were so unsettled.

Meantime, the Baron de Thierry, unable to fulfil his agreement to begin a canal before the end of May, 1837, sold his rights to Salamon & Sabla, of Guadaloupe, who obtained an extension of it to May of 1845, and a grant of the contract which the death of Biddle made impossible to carry out. But they, too, were unable to do the work and appealed to Louis Philippe and so interested him in the scheme that Guizot sent an engineer to examine the ground and finally urged the Chamber of Deputies to build a canal to cost forty million dollars. Thereupon Nicaragua, aroused by the interest of the French in the Panama route, offered Louis Philippe a protectorate over Nicaragua if he would construct a canal through her domain. Failing in this, the agent turned to Louis Napoleon Buonaparte then a prisoner in Ham. He agreed to form a company to dig the Canale Napoleon de Nicaragua, and appealed to the King to release him on condition that he went to America, never troubled France again and undertook the work of canal building. He was not released, but escaped soon after and in his retreat in London wrote a pamphlet in support of the scheme.

That same year, 1846, our *chargé* in New Granada, without instructions, concluded a treaty, one article of which granted the right of way for any means of transit, by road, railroad, or canal. Our country in return was to guarantee the neutrality of the isthmus and the sovereignty of New Granada over it. The offer was most tempting. Oregon had been acquired, war with Mexico had begun, Polk was seeking more territory on the Pacific coast, and should be succeed it would be desirable, nay, necessary, to shorten the way thither by some sort of transit over the isthmus. But the President at first doubted that we could give such a guarantee, for it would, he feared, be a departure from the time-honored policy of "friendly relations with all nations, entangling alliances with none." * He overcame his scruples,

* Polk's Diary, January 30, 1847.

however, and sent the treaty to the Senate, where for the time being it was laid aside.

But the importance of a route was not lost sight of, and when Trist received his instructions a few weeks later he was told to ask for a right of transit over the Isthmus of Tehuantepec. For it Polk was willing to pay five million dollars. The Mexican Commissioners replied that British subjects held such a concession, that they could not be stripped of it, and the matter was dropped.

While the Senate withheld its approval of the New Granada treaty, Mexico was conquered, the war ended, our coast line on the Pacific was extended southward to its present limit, the project of an interoceanic canal acquired new importance, and Great Britain seized the mouth of the San Juan River and took possession of one end of the Nicaragua route.

The cause of this act was a quarrel with Nicaragua over the boundary of the Mosquito territory. The dependencies of the British Crown in Central America were: Belize, northeast of Guatemala; the Bay Islands off the north coast of Honduras; and the Mosquito country which stretched along the greater part of the east coast of Nicaragua. Columbus sailed along it in 1502, landed at several places, and took formal possession in the name of Spain, who for a century and more made attempts to occupy and settle it. They ended in failure, and the seventeenth century opened with no Spanish colony in Mosquitia.

Thus neglected, the coast became the favorite haunt of the Buccaneers, who easily made themselves masters of the country and sailed thence to prey on the galleons of Spain. As her enemies they became the allies of her foes, and in 1655 aided Great Britain in the capture of Jamaica. Close trade relations soon grew up between Jamaica and the Mosquito coast, British influence gradually overcame that of the Buccaneers, and in 1697 the Mosquito Chief asked the Governor of Jamaica for British protection. He was called to the island and made a king by a patent under the seal of the governor. The relations of the two countries now grew closer and closer, till at last Great Britain sent Robert Hodgson to the Mosquito coast and formally opened her contest

with Spain for that country. Hodgson was to stir up a revolt of the Indians of the back country against Spanish rule and, aided by the Mosquitos, a conquest was to be made of Central America. The attempt failed; but Hodgson persuaded

THE "MOSQUITO KINGDOM."

the Mosquitos to cede their country to Great Britain. He was then made superintendent; arms, troops, and guns were sent from Jamaica; and when, in the course of the next European war, Spain, in 1747, sent an expedition against Mosquitia it met with defeat. By the treaty of Aix-la-Chapelle, the British were bound to leave Central America, but they did not and were still on the Mosquito coast when the Seven Years' War opened. Under the treaty of Paris, which closed it, Great Britain was forced to pull down her forts and withdraw her troops, but her settlers stayed, and were governed by a superintendent till 1775, when a council of twelve members was added. During our war for independence, Spain, eager to settle old scores, joined in and by

the treaty of 1783 forced Great Britain to agree to withdraw from all parts of the "Spanish continent." The Mosquito coast was part of that continent, but Great Britain held that Spain had never conquered the Mosquito Indians; that they had always been independent; that they belonged therefore not to the Spanish continent, but to the continent of America, and did not withdraw from Mosquitia.

The diplomatic discussion which followed ended in the Convention of 1786; Great Britain once more bound herself to quit not only the Mosquito country, but "the continent in general and the islands adjacent thereto without exception." Thereupon her settlers either left or stayed at their own risk, and Spain attempted to form settlements; but the resistance of the Indians and the settlers proved too vigorous; her last settlement was taken in 1796, and the new century opened with the Mosquito coast still under British influence. Mosquito kings continued to be crowned in the Belize or Jamaica, and when, in 1840, one of them was nigh unto death, he was forced to set his mark to a paper appointing McDonald, the Superintendent of Belize, regent during the minority of the young king.

And now Great Britain once more became aggressive, and in August, 1841, McDonald entered the harbor of San Juan on board the *Tweed*, accompanied by the young king and an armed vessel flying what he asserted to be the flag of the newly organized State of Mosquitia.

The commandant of the place was ordered to acknowledge the Mosquito king, refused, and was seized and forced on board the British ship which set sail for Belize. On the way he was coerced into signing a paper acknowledging the claim of the Mosquitos to San Juan, and was then put on shore at Cape Gracias-á-Dios and left to his fate.

To the protest of Nicaragua no attention was paid for over a year. She was then told by the British Consul at Leon that the place from which the commandant was removed was Mosquito, not Nicaraguan, territory, that she had no just claim for compensation,* that Great Britain had

* The bounds of the Mosquito territory were declared to be latitude 10° 30′ to 16° 10′ north, and longitude 83° 37′ to 86° west.

recognized the State of Mosquitia, and that she would not see, with indifference, the usurpation of the territory of a State with which she was on terms of close alliance.*

Nicaragua denied the existence of the State of Mosquitia, described it, truly, as a horde of savages wanting all the elements of a sovereign society, declared that the territory claimed for them was "wholly imaginary," the claim to the port of San Juan was unfounded, and that the Mosquitos were inhabitants of her soil.

No answer was made to this, and nearly two years had passed when the envoy of Honduras and Nicaragua at Brussels read an alarming bit of news in a Paris newspaper. A British naval force, it was said, had occupied Bluefields. Believing it to be true, he at once protested to Lord Aberdeen and sent a copy to each foreign minister.

So the matter rested for three more years. We were then at war with Mexico. New Mexico and California had been conquered; Scott had fought his way to the City of Mexico, the enemy was crushed, and it seemed not unlikely that the whole of Mexico would be annexed to the United States. It was certain, at all events, that our new possessions on the Pacific coast would make an isthmian canal most desirable, and, lest the Nicaraguan route should be chosen, Great Britain made haste to seize it.

In September, 1847, accordingly, Honduras and Nicaragua were informed that the Mosquito territory extended along the coast from Cape Honduras to the mouth of the San Juan River, and that Her Britannic Majesty would not view with indifference any encroachments on it. Again Nicaragua protested and denied that a nation existed. The Mosquitos were but a few savages, without houses, a known language, an alphabet, arts, commerce, laws, or religion, without everything, in short, which, in the eyes of the civilized world, composed a regular society, much less a nation.†

The answer of Great Britain was made one evening in October, 1847, when the frigate *Alarm* arrived off the port of San Juan, and the next morning sent two officers ashore

* Executive Documents, 31st Congress, 1st Session, No. 75, pp. 24–29.

† Ibid., pp. 44–46.

with a letter to the commandant of the port. This requested him to notify Nicaragua that she would be allowed till the first of January, 1848, to withdraw from the port,* and that her flag must never again be raised over San Juan. A written protest was made to the captain of the frigate, which at once sailed away.

Nicaragua and Honduras protested vigorously and declared they would resist British aggression with every means in their power. But well aware that neither appeals nor threats could move Great Britain, Nicaragua besought the United States to help her. The Secretary of State, in a letter to Buchanan, narrated the acts of British aggression, declared her purpose was to seize San Juan and get possession of the best route for a canal between the Atlantic and the Pacific, and asked that the United States act as mediator.† The President and Supreme Director of Nicaragua, Don José Guerrero, wrote to Polk,‡ described the critical condition in which she was placed, reminded him of his assertion of the Monroe Doctrine, declared it was the well-known design of Great Britain to plant colonies on the coast of Nicaragua and become master of the interoceanic canal, and begged him to give the matter his serious attention.

That our interests in Central America needed attention was manifest, and Polk, in the annual message, asked for authority to appoint *chargés d'affaires* to Bolivia, Ecuador, and Guatemala. But no notice of any sort was ever taken by Polk or Buchanan of the appeals of Nicaragua, and Great Britain was suffered to go on and make good her threat. When the first of January came a British ship dropped anchor off San Juan, sent a force of marines on shore, pulled down the flag of Nicaragua, ran up that of the Mosquitos, and left in charge an official called regent of the Mosquito king.§

After the British had withdrawn and sailed away, Nica-

* Executive Documents, 31st Congress, 1st Session, vol. x, No. 75, pp. 47–48.

† Brintrago to Buchanan, Nov. 12, 1847. Ibid., pp. 11–14.

‡ Guerrero to Polk, December 15, 1847. Ibid., pp. 79–80.

§ Ibid., p. 82.

ragua sent troops and occupied an old fort on the river. Thereupon the British came back, occupied San Juan, changed its name to Greytown, captured the fort at Serapoqui, and in March forced Nicaragua to apologize and sign a treaty of peace.*

Here was a clear case for an assertion of the Monroe Doctrine. But just at this time a better opportunity was afforded by the state of affairs in Yucatan.

When Mexico acquired her independence of Spain in 1821, Yucatan became a part of the Mexican Republic, but resumed her independence on the downfall of the Empire of Iturbide, and remained a sovereign state till 1824, when she joined the new Republic as one of the United Mexican States. Sixteen years of misrule drove her to rebellion, and in 1840 she beat the troops of Mexico, formed a constitution, defeated the army of Santa Anna, made peace on her own terms, and in December, 1843, again joined the Republic. Scarcely had she done so when Santa Anna closed the ports of Mexico to her products and put upon her new vexations. Protests were vain, and in January, 1846, Yucatan once more became an independent State. War between the United States and Mexico soon followed, and Paredes sent an agent to induce her to furnish troops and money. This she refused to do and, when the United States brig *Somers* appeared off the coast, Yucatan proclaimed neutrality.

In August, 1846, an extraordinary congress declared for Santa Anna, and Yucatan became an enemy to the United States. Early in December a counter-revolution broke out, a declaration against Mexico and in favor of neutrality was issued, Governor Barbachano was overthrown, an independent government organized and a commissioner, José Robisa, sent post-haste to Washington to assure the President that Yucatan was really neutral. Meantime our fleet seized the port of Laguna de Terminos, and laid duties on the vessels and productions coming from other ports of Yucatan.

A new commissioner was then despatched to Washington

* Treaty of March 17, 1848, Executive Documents, 31st Congress, 1st Session, No. 75, p. 86.

to ask that the duties be abolished and Laguna surrendered.* Polk ordered the duties abolished, but refused to give up the port because of the facilities it afforded for sending arms and munitions of war to Tabasco.

Ere this time Yucatan was the scene of a horrible war. The Indians, armed, it was believed, by the British in Belize and aroused by the faction opposed to neutrality, began a war of extermination. Towns were sacked and given to the flames, haciendas and ranchos swept away, fields of grain ravaged, and the people murdered without regard to age or sex. The number of the Indians, the rapidity of their movements, and the protection afforded by the almost impenetrable forests, made them irresistible, and Yucatan cried out for help to the United States. Without arms, ammunition, or the means of buying them, her people, it was said, must have foreign aid or be exterminated. The Captain-General of Cuba had sent a ship of war with offers of aid, and landed some arms, powder, and a few cannon. Great Britain would probably assist. But there was a declaration made by Mr. Monroe in 1823, and reaffirmed by Mr. Polk in 1846, that the United States would not see with indifference any attempt by European powers to interfere in the affairs of, or extend their political systems over, the natives of America. Surely, then, the United States would come to the help of Yucatan, for she must have aid from some foreign power. After her commissioner had called again and again on Buchanan for help and received no answer, he delivered a letter from the Governor of Yucatan. In it he offered "the dominion and sovereignty of this peninsula" in return for help, and declared he had been forced to make a like tender to Great Britain and Spain.

And now the President bestirred himself and sent off a message to Congress. He could not, he said, recommend the acquisition of dominion and sovereignty over the peninsula. Yet, according to our established policy, "we could not consent to a transfer of this dominion and sovereignty either to Spain or Great Britain, or any other European power." He relied on "the wisdom of Congress to adopt

* Senate Documents, 30th Congress, 1st Session, No. 40, pp. 6–9.

such measures as, in their judgment, may be expedient to prevent Yucatan from becoming a colony of any European power, which in no event could be permitted by the United States." *

In the Senate an attempt was made to send the message to the Committee on Territories. The purpose of the President, it was said, was to annex Yucatan, and this being the case, the Committee could report a plan of government. The Chair denied that annexation was intended, a debate sprang up, and in the course of it a Senator from South Carolina denounced the attempt to apply the Monroe Doctrine to Yucatan. As a question of instant relief no man would question the sending of a part of the army and navy. But the President had taken occasion to restate the doctrine of Mr. Monroe. No time was ever more inopportune for such a declaration even if the doctrine applied. The Yucaticos, fearing extermination, had applied to other nations to save them. Should we say that while we were unable to rescue them we would interpose if any other country offered help? The doctrine of Mr. Monroe was applied at a time when the Holy Allies were about to interfere with self-government. But did that include the doctrine that Yucatan should not choose who should be her protector? Did it forbid her to call on any nation she pleased for protection? He warned the gentlemen not to be so lofty in their pretensions. There was one nation that had not yet lost the imperial diadem, and such pretensions might involve us in a calamitous war. He protested against the doctrine the President had announced.† Another Senator ‡ thought it a case of sympathy for the aristocrats of Yucatan against the Democrats, the aborigines, who had risen up in defence of their rights, and what business had we to interfere? Why, Mr. Monroe had committed us in declaration in 1823. Aye! And what right had Mr. Monroe to do so? None at all. But it was sometimes very con-

* Executive Documents, 30th Congress, 1st Session, No. 40, pp. 1–3. Message of April 29, 1848.

† Speech of Mr. Holmes. Congressional Globe, 30th Congress, 1st Session, p. 711.

‡ Mr. Root, Ibid., p. 712.

venient, when gentlemen had a point to carry, to resort to the musty old letters of Mr. Monroe. We had no business to interfere with the internal concerns of other nations. If our Government acted in the matter at all, Yucatan as a Mexican province was gone, forever and for aye. Let us once take military possession and act as its defender, and annexation was inevitable. The Administration would never have had the remotest idea of going to the help of Yucatan had it not been for the hope of grabbing the country.

The message was finally sent to the Committee on Foreign Affairs, which reported a bill to enable the President to take temporary military occupation of Yucatan and aid the people against the Indians. Senator Hannigan denied that anything but temporary occupation was intended. True, a state of things might arise which would force us to hold Yucatan permanently. One of the most powerful nations on earth was hastening to seize the isthmus, and had already seized Honduras and the Mosquito coast, and had advanced on Yucatan under the pretext of taking care of British interests. Did anybody suppose her settlements near Yucatan were due to any hope of gain from a miserable traffic in dyewoods? She was striving to secure the great route by the isthmus to the Pacific. Let her get Yucatan and she would soon have Cuba, and control the whole outlet of the Mississippi. Were we to fold our arms and see Cuba and Yucatan fall into the arms of Great Britain?

Clayton thought the bill contrary to the treaty with Mexico which provided for the withdrawal of our troops. Would Mexico believe that we were moved solely by motives of humanity if, after ratification, we sent troops into Yucatan? Jefferson Davis saw no proof that Great Britain was interfering with Yucatan. The possession of British muskets by the Indians was not evidence. They might have been muskets condemned and sold as articles of traffic. Whenever she threatened Yucatan or Cuba he was ready to oppose her. On the ground of humanity he was willing to help Yucatan.

Cass held that the doctrine of Monroe, and that expressed by Polk, looked to no interference with European settlements on this continent. They were intended to pre-

vent the reduction of any of the free states of America to European dependence. Our policy was not to interfere with other Powers and to prevent other Powers from interfering with us. But if Great Britain should aid Yucatan and thus acquire possession, what right would we have to complain?

In the midst of the debate news came that a treaty had been made with the Indians and the war brought to a close, and that four hundred marines had been ordered from Alvarado to Laguna. Senator Hannigan announced, therefore, that he would not press for the passage of the bill, and it was passed over informally. That a treaty had been made was true; but it was quickly violated by the Indians and the war dragged on for several years.

The Yucatan incident was scarcely closed when news came from our consul at San Juan that Great Britain on behalf of her ally, the Mosquito king, had seized that port and held one end of the Nicaragua canal route.

And now our Government found time to act. The President appointed Elijah Hise *chargé d'affaires* to Guatemala, and a few days later the old treaty with New Granada was ratified and declared in force. Hise was instructed to "cultivate more friendly relations" with Guatemala, and with all the other states that once formed the Republic of the Centre; seek by counsel and advice to promote their reunion; and make treaties of commerce with Guatemala and San Salvador, but not with Honduras, Nicaragua, or Costa Rica until more information regarding them was obtained. Buchanan had no doubt whatever that the break up of the Confederacy of Central America had encouraged Great Britain to encroach on the territory of Honduras, Nicaragua, and Costa Rica. Under the mask of protecting the kingdom of the Mosquitos, "a miserable, degraded, insignificant tribe of Indians," she undoubtedly sought absolute dominion over a vast extent of sea coast. Following her old-time policy of seizing every valuable commercial point on the face of the earth, her present purpose was, in all likelihood, to control the railroad or canal route between the Atlantic and Pacific by way of Nicaragua, and in furtherance of the policy she had just seized on the harbor of San Juan.

What should be done because of these encroachments by Great Britain could not be determined till Hise sent full information as to their nature and extent, and the numbers and civilization of the Mosquitos. "The independence as well as the interests of the nations on this continent," wrote Buchanan, "require that they should maintain an American system of policy entirely distinct from that which prevails in Europe. To suffer any interference on the part of European governments with the domestic concerns of American Republics, and to permit them to establish new colonies upon this continent, would be to jeopardize their independence and to ruin their interests." But what could the United States do to resist European meddling while the Republics were torn by quarrels and civil war? *

Nicaragua thought that the United States could do much, and when she appointed a *chargé d'affaires* to Great Britain to uphold her claims to the Mosquito coast, she bade him stop at Washington and ask for the good offices of the United States.

The request was made in November,† and was still unanswered when Polk was succeeded by Taylor, and Clayton became Secretary of State. Then affairs in Nicaragua received attention. Hise was recalled.‡ E. George Squier was appointed *chargé d'affaires* to Central America, and on May first received his instructions. On May second Bancroft was instructed, and on May third Nicaragua was informed that the United States would use its good offices to induce Great Britain to respect her just rights in Mosquitia. That same day Taylor answered the old letter of the President of Nicaragua.

Bancroft was told that the British claim to the Mosquito coast had no foundation; that we could not but give ear to the appeals of Nicaragua; that he should present these views to the friendly consideration of Great Britain, and, before opening a written correspondence, should sound Lord Pal-

* Buchanan to Hise, June 3, 1848.

† November 5, 1848. Executive Documents, 31st Congress, 1st Session, No. 75, p. 91.

‡ Clayton to Hise, May 2, 1849. Ibid., p. 117.

merston as to the intentions of his government with respect to the Mosquito coast. Did it, he was to ask, intend to set aside a part of that territory for its own use? If so, why, and by what right? Did it, as ally and protector to the Mosquito king, claim a right to control or obstruct the commerce of the San Juan River? Did it intend to keep forts, or establishments of any kind on the river banks? What were the bounds of the Mosquito country, and by whose authority were they drawn? Should the result of these inquiries be a conviction that Great Britain would not recede from her claims, he was to present in writing a firm and formal protest.*

As the Secretary was well aware that a company of British capitalists expected to build a ship canal by way of the San Juan River and Lake Nicaragua, and had sent an agent to obtain the necessary grant; as he had been duly informed that a company of American capitalists was seeking a concession for a like purpose, he bade Mr. Squier do all he could to aid his countrymen. We desired, he said, no monopoly of the right of way, and could not submit to it if claimed by any other power. All we asked was an equal right of passage for all nations. To gain this we would enter into a treaty with Nicaragua, binding both powers to protect and defend any adventurers who should succeed in cutting a canal. In the treaty with Nicaragua, therefore, must be an article granting to citizens of the United States free transit between the two oceans, over any canal or railroad that might hereafter be built. But there must be no guarantee of the independence of the country through which the railroad or canal might pass. That the people of the United States would supinely allow any of the three routes to the Pacific to be obstructed by any European power was not to be supposed.

Squier was further authorized to make treaties with Honduras and Costa Rica if, in his opinion, they were capable of maintaining their independence. In July of 1849 he reached Leon, the capital of Nicaragua, and heard with

* Clayton to Bancroft, May 2, 1849. Executive Documents, 1st Session, 31st Congress, No. 75, pp. 230–232.

concern that Hise, with a treaty, was on his way to Washington.

The year 1848 was nearly spent when Hise reached Guatemala; but by June, 1849, he had signed a treaty with her, and despite his instructions had made others with Honduras and Nicaragua. By this latter he took under the protection of the United States a canal to be dug by the Compania de Transito de Nicaragua and secured to the United States forever the right of way through Nicaragua by land or water from sea to sea, by such bays, lakes, rivers, or routes as then existed, or by such canals, roads, or improved navigable waters as might thereafter be constructed by the citizens or government of either of the contracting parties, or of any other nation. On the other hand, the United States was solemnly pledged to protect and defend the State of Nicaragua in the possession and exercise of the sovereignty and dominion of all the country "that rightfully belonged to her." Should there be need, the United States must use her navy and military force to preserve the neutrality of the coasts, harbors, rivers of Nicaragua; and to defend her in all foreign wars, if just, and begun with the consent of both powers.*

Hise in his eagerness to protect American interests had exceeded his instructions. Squier determined, therefore, to ignore the work of his predecessor and make a new treaty according to instructions.

As he looked about him he saw on every hand manifestations of British opposition. His arrival, he wrote, was the signal for new insolence toward Nicaragua. Demands of all sorts, sometimes accompanied by threats, were made every week by the British Consul. Among these was one for the immediate payment of debts due British subjects. To make it effective a war steamer and a frigate had been ordered to Realejo, the chief port on the Pacific. Costa Rica, notwithstanding the denial of her representative in London, had offered to put herself under British protection. Guatemala was equally pro-British. Honduras owed British subjects some three hundred thousand dollars. She could not

* Executive Documents, 31st Congress, 1st Session, No. 75, pp. 115–116.

pay. No efforts, therefore, were spared to induce her to cede Tigre Island which commanded the Bay of Fonseca on the Pacific coast where a canal by the Nicaraguan route must end. To cede it was not possible, for San Salvador and Nicaragua both had ports on the bay. Unless, therefore, there was speedy intervention Great Britain would surely seize Tigre Island as indemnity.*

Alarmed at the prospect, Squier at once urged Honduras to make, without delay, a treaty which would enable the United States to defeat the schemes of Great Britain, by a cession or sale of the island.† Late in September the treaty of cession was made, and without reference to Washington was ratified by Squier. With Nicaragua negotiations went on rapidly, and early in September two papers of importance were signed. One was a contract between the Supreme Director of Nicaragua and the agent of the American Atlantic and Pacific Canal Company for the digging of a canal across the isthmus. The other was a new treaty containing no guarantee save that of the neutrality of the canal so long as it remained in the hands of American citizens.

Squier was sure that the publication of the treaty and the contract would "cause some commotion among the English officials" and "attract the attention of the Home Government." They did not need to await publication. The Hise treaty, the provisions in it touching the Compania de Transito de Nicaragua, the arrival of Squier to frame a new treaty, and the activity of the agents of the Atlantic and Pacific Canal Company were ample causes for prompt action. On the sixteenth of October, accordingly, a British war vessel anchored off the harbor of Amapola on Tigre Island, five long-boats full of armed men came to shore, and the island was seized in the name of Queen Victoria.‡

But what during all this time had been happening in London? When Bancroft received Clayton's letter of instructions, he sought and finally obtained an interview with Palmerston. His lordship denied that Great Britain intended to hold San Juan permanently, said, "you know very

* Executive Documents, 31st Congress, 1st Session, No. 75, pp. 153–157.
† Ibid., p. 157. ‡ Ibid., pp. 218–219.

well we have already colonies enough," declared the occupation was temporary, showed great "disinclination to restore the port," and asserted that any purpose the United States might have for cutting a canal would be better promoted by the policy he was taking than in any other way.*

Convinced that Great Britain would not recede, Bancroft began the preparation of a statement of the views of the United States as to British claims in Central America. While so engaged he was recalled, and Rives instructed when on his way to Paris to stop at London and state the position of the new Administration to Palmerston.† Nothing came of the interview save to convince Rives that Great Britain would continue her support of the Mosquito claims to San Juan; that she did not seek exclusive control of the canal; that she was bent on preventing the United States from acquiring control, but was ready to join with us in promoting a canal open to all nations.

The letters of Bancroft and Rives made the arrival of Hise with his treaty most embarrassing. It gave us a monopoly of the canal route to which Great Britain was firmly opposed. It bound us in an entangling political alliance to which the President was opposed. But it seemed to open the way for a speedy construction of a canal for which the people were eager. If made public a demand for ratification would surely follow, the Democratic Senate would comply, and war with Great Britain would very likely result.

Alarmed at this prospect, Clayton turned to the British Minister, laid the treaty before him, told him it had been made without authority, pointed out its objectionable parts, said he disapproved of it as a whole as well as of the "obscure stipulations" in particular, and complained that it put the Government in a most embarrassing situation. "You know," said he, "that the Government has no majority in the Senate. You know that the treaty will be called for by Congress. The substance of it, indeed, has already found its

* Bancroft to Clayton, August 20, 1849. Executive Documents, 31st Congress, 1st Session, No. 75, pp. 234–236.

† Clayton to Rives, August 16, 1849. Senate Executive Documents, 2d Session, 32d Congress, No. 27, p. 13.

way into the newspapers. You are aware of the opinion which, whether right or wrong, prevails in the country as to the claims of the Mosquito Chief to any part of Nicaragua, and you can form an idea of the eagerness with which the party opposed to the Government will seize the opportunity of either forcing us into collision with Great Britain on the subject, or making it appear that we have abandoned, through pusillanimity, great and splendid advantages fairly secured. It will require great caution on both sides to prevent the two governments being brought into collision on account of this intrinsically worthless country." *

As Mr. Abbot Lawrence, lately appointed Minister to Great Britain, was then in Boston, Clayton promised to send for him and instruct him as to the views of the Administration, and asked the British Minister to report the interview to Palmerston. Lawrence could not come to Washington, so Clayton in another interview set forth his policy to Mr. Crompton. This time Taylor was present.† The United States, he said, would not approve the Hise treaty unless driven to it in order to counteract the exclusive claim of some other country. He would propose, therefore, that it be rejected, and that both Great Britain and the United States make treaties with Nicaragua giving no exclusive privileges to either, and that all other powers, making like treaties, should be admitted on equal terms to all the advantages of the canal. This would insure the building of it. "If you refuse," said he, "we are driven in self-defence to adopt the treaty."

At this stage of the question, the Squier treaty arrived and another interview followed. The Government, Clayton said, would suspend decision as to both till the reply of Great Britain to the offer to co-operate was received. He also called attention to a newspaper report of the reception of Squier by Nicaragua, and to some remarks by him on Monroe's doctrine respecting colonization of any part of America by a European Power. The President, he said, in

* Crompton to Palmerston, September 17, 1849. British and Foreign State Papers, 1850–1851, vol. xl, pp. 953–955.

† Crompton to Palmerston, October 1, 1849. Ibid., pp. 955–959.

no way adopted that principle and Squier had no authority to allude to it.*

Lawrence was now instructed to ask whether Great Britain intended to occupy or colonize Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, and if she would join with the United States in guaranteeing the neutrality of a ship-canal or railway open to all the world. The United States had no intention of acquiring territory in Central America, but was willing to enter into an agreement binding both Great Britain and herself never to settle, annex, colonize, or fortify that country.†

To the first question Palmerston answered No; and to the second Yes, and declared the willingness of Her Majesty's Government to agree not to annex, settle, colonize, or fortify Central America.‡ Another letter of the same date was less friendly. The purpose of the Squier treaty, his lordship said, was to bind the United States to endeavor to force Great Britain to give up Greytown to Nicaragua. This would be "an unprovoked aggression toward Great Britain." Never was there a time when Great Britain "had less reason to expect so hostile a proceeding on the part of the United States."

When copies of these letters reached Washington news had come from Squier that, in September, Honduras had formally ceded Tigre Island to the United States to hold, absolutely, for eighteen months, or until the treaty of cession was duly ratified; § that a decree announcing this fact was issued early in October, and that on the sixteenth of the month the British had seized the island, and when informed of the cession of the United States had refused to give it up.‖ This seizure of Tigre Island, Clayton now wrote Lawrence, was utterly inconsistent with Lord Palmerston's statement

* Crompton to Palmerston, October 15, 1849. British and Foreign State Papers, 1850–1851, vol. xl, pp. 959–961.

† Lawrence to Palmerston, November 9, 1849. Ibid., p. 961.

‡ Palmerston to Lawrence, November 13, 1849. Ibid., pp. 962–964.

§ Articles of cession are printed in British and Foreign State Papers, vol. xl, p. 999.

‖ Chatfield to Squier, October 27, 1849. Ibid., p. 1001.

that Great Britain did not intend to colonize, settle, or fortify any portion of Central America. He would not, however, distrust the honor of the British Government because of the act of an inferior functionary. But an explanation must be asked and promptly made. Lawrence must at once address Lord Palmerston, and in firm but respectful language ask for a disavowal of the seizure, and of all other acts tending to spread British jurisdiction over any part of the Central American States. Should he decline to do so on any ground, Lawrence was to enter a protest at once. So much of the treaty with Honduras, made by Squier, as related to a canal had been inserted without authority. But if the British aggressions on Honduras were not promptly disclaimed Clayton declared he would send the treaty to the Senate. The United States would not be restrained by Great Britain from the assertion and use of any rights acquired under the treaties with Nicaragua and Honduras. She must understand that our object was to protect a canal across the isthmus, that Lakes Nicaragua and Leon furnished the best route, and that whether the canal ended at Realejo, or on the Bay of Fonseca, we intended to protect it.*

Lawrence accordingly asked Lord Palmerston for the views of the British Government as to the seizure and occupation of territory in Central America in general and on that of the seizure of Tigre Island in particular.†

Palmerston answered that San Salvador and Honduras had failed to satisfy demands for redress; that Mr. Chatfield and Her Majesty's naval officers on the Pacific coast of America had been ordered to do what was necessary to get redress, and had seized Tigre Island by way of reprisal. Such a step ought not to have been taken without instructions from the Home Government. Mr. Chatfield, therefore, had been ordered to restore the island to its former condition. If the seizure were at variance with past assurances that Great Britain did not intend to occupy or colonize any part of Central America, surely the cession of Tigre Island if approved

* Clayton to Lawrence, December 29, 1849, Executive Documents, 1st Session 31st Congress, No. 75, pp. 313–315.

† Ibid.

by the United States was entirely at variance with the declaration of Mr. Lawrence.*

The serious illness of Lawrence before this time had stopped negotiations at London; but they were at once taken up at Washington by Sir Henry Lytton Bulwer. He had been appointed Envoy Extraordinary and Minister Plenipotentiary to the United States in October, sailed from England in November, and late in December was formally presented to Taylor.

The state of our affairs in Central America, as Bulwer reported them, were, that Squier in public speeches had claimed for the United States a sort of protectorate over the republics of Central America,† that he had made with Nicaragua a treaty less objectionable than that of Hise, and had entered into a treaty with Honduras for the cession of Tigre Island, and had ratified it without reference to the Government at Washington. Clayton he found much inclined to approve the Nicaragua treaty, not ready to sanction that with Honduras,‡ but willing to send to our agent in Central America precisely the same instructions that Great Britain would send to hers,§ provided they were to the effect that neither Power intended to obtain exclusive advantages, nor spread its dominion in that part of the world. Bulwer urged, therefore, that the fruitless discussion over the claims of Nicaragua and the Mosquito coast be dropped, and that the canal question be taken up and settled. It could be done by a convention.||

While he was awaiting a reply from home, Congress called for the papers. Should they be sent, Bulwer believed, the angry debate in Congress and the violent discussion in

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* Palmerston to Lawrence, February 13, 1850. British and Foreign State Papers, 1850–1851, vol. xl, pp. 1002–1003.

† Bulwer to Palmerston, January 6, 1850. Ibid., pp. 994–995. ‡ Ibid., p. 995.

§ When presented to the President of Nicaragua, Squier delivered a speech in the course of which he said: "To this end and to secure the permanent welfare of both, it is essential that we should pursue a system of policy exclusively American . . . We should proclaim in language firm and distinct that the American continent belongs to Americans and is sacred to American freedom."—Philadelphia North American, October 11, 1849.

|| Bulwer to Palmerston, British and Foreign State Papers, vol. xl, p. 996.

the press would make a settlement of the issues by the two governments most difficult. Clayton held a like belief, and urged immediate action. Thus pressed, Bulwer, without instructions from home, drew up with Clayton a project of a convention.* Authority to sign was duly given,† but ere it reached Bulwer new trouble arose. When Clayton bade Lawrence demand a disavowal of the seizure of Tigre Island, he declared that if it were not promptly made he would send the Squier treaty to the Senate. About the middle of February Palmerston made the disavowal; but stated at the same time that Great Britain would satisfy her claims against Honduras by any means allowable by the law of nations. Understanding this to mean that she would not accept the principles laid down in the project, Clayton sent the Squier treaty to the Senate. Not till the middle of April was the convention signed by Clayton and submitted to the Senate, which, after some opposition, advised the President to ratify. In May the British Government likewise approved and Bulwer was authorized to exchange ratification. In so doing, however, he was to declare that "Her Majesty's Government do not understand the engagements of that convention as applying to Her Majesty's settlement at Honduras, or its dependencies." Clayton was astonished, and for a time would not exchange ratifications. But he changed his mind, and with the help of the Attorney-General drew up a counter declaration which, after some persuasion, Bulwer agreed to receive. This set forth that the treaty was not understood "to include the British settlement in Honduras, commonly called British Honduras, as distinct from the State of Honduras, nor the small islands in the neighborhood of that settlement, which may be known as its dependencies." ‡

Thus was concluded, on the fourth of July, 1850, the ever afterward famous Bulwer-Clayton Treaty. By the first article the two Powers agreed that neither should ever obtain

* Bulwer to Palmerston, February 3, 1850. British and Foreign State Papers, 1850–1851, vol. xl, pp. 1004–1005.

† March 8, 1850. Ibid., p. 1017.

‡ Clayton to Bulwer, July 4, 1850. Ibid., p. 1039.

exclusive control over the canal; nor erect fortifications commanding it; "nor occupy, nor fortify, nor colonize, nor assume nor exercise any dominion over Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America"; nor make use of any protection which either afforded to, or any alliance which either had with, any State for the purpose of erecting fortifications, or occupying or colonizing Nicaragua, Costa Rica, the Mosquito coast, or any part of Central America, or of assuming or exercising any dominion over the same; nor should either take advantage of any influence it might possess, with any State through which the canal might pass, to acquire for its citizens or subjects any advantages to commerce or navigation through the canal, which were not offered on the same terms to the citizens or subjects of the other. The third article provided that if a canal were undertaken by private parties they and their property were to be protected from detention, seizure, confiscation, or any violence, by the United States and Great Britain. Article five guaranteed the neutrality of the canal. But either Power might withdraw its protection if its commerce through the canal were discriminated against in favor of that of the other. By another article the Powers of Europe and the States of Central America were to be invited to enter into like stipulations with the two contracting parties that the canal might be built and maintained "for the benefit of mankind, on equal terms to all." The eighth article pledged them to afford protection to any practical means of communication across the isthmus whether by railroad or canal, and especially to those "which are now proposed to be established by the way of Tehuantepec or Panama."

When this agreement was made it seemed quite probable that both routes might soon be used. Some eight years back, Mexico granted a concession to build the Tehuantepec Canal to Senor José de Garay, who transferred it to two Englishmen, who sold it in 1845 to Hargous & Company, American citizens, from whom at the next session of Congress came a memorial setting forth that they had full authority from Mexico to build the railroad, that they were about to form a company, and praying that the United States be not

committed in favor of any other road without a better knowledge of what they were doing. Of the one hundred and thirty-eight miles across the isthmus, but one hundred and fifteen need be railroad, and when completed the distance from New York to San Francisco by Tehuantepec would be eleven hundred miles shorter than by Panama, and that from the mouth of the Mississippi to San Francisco would be cut down seventeen hundred. The Tehuantepec Company was quickly organized in New Orleans, the right of Hargous & Company was taken over, passports obtained, and engineers sent off to begin the work of surveying. But an attempt to make a treaty for the protection and furtherance of the undertaking brought on a diplomatic dispute, Mexico declared the Garay grant and its transfer null and void, drove out the engineers, and seized the property of the company.

News of the discovery of gold in California and the wild rush thither was the cause of new plans for the use of the route. Wells & Company informed Congress that associated with others they proposed to carry freight and passengers by mule, wagon, or railway over the Isthmus of Tehuantepec, and asked for a grant of money or conditional payment for transporting the mails, troops, naval and military stores. Jesse Dow and others, realizing the importance of "a short, speedy, safe, cheap, and healthy" route between the Atlantic and the Pacific, proposed to build a plank road across the isthmus and asked for the same compensation, for ten years, that it was proposed to give for the carriage of mails and supplies by way of Panama.

The Pacific Mail Steamship Company sought aid for a railroad across the Isthmus of Panama. Congress was reminded that the settlement of the Oregon boundary and the acquisition of California had opened a new era; that hundreds of young men of the East were buffeting the storms of Cape Horn; that in the spring thousands of hardy pioneers of the West would move across the plains and climb the steeps of the Rocky Mountains to build up new States on the shore of the Pacific, and that it was a hardship that they should be cut off from home by the stormiest passage known

at sea. To overcome this in part Congress had established a line of steamships from New York to Chagres and from Panama to San Francisco and Oregon. This would do well enough for the carriage of mails, but not for the transportation of women, children, arms, munitions, and supplies. The Pacific Mail Steamship Company, therefore, under the recent treaty with New Granada had secured from that country the forfeited charter of the French Panama Railroad Company, and asked that the Secretary of the Navy be empowered to contract with it for the carriage of mails, naval stores, troops, and munitions of war, provided the railroad was begun within one, and finished within three, years. The Naval Committee heartily approved and reported a bill.

Citizens of Texas prayed Congress that a railroad recently chartered by that State be permitted to build a road from a point on the Rio Grande, down the Gila Valley, and on to the Bay of San Diego. Senator Houston asked for a Committee to inquire into the expediency of constructing a railroad for military purposes from San Francisco to some point on the navigable waters of the Mississippi Valley.

Another and more feasible plan for joining the East with the Pacific coast was that of a railroad from the shore of Lake Michigan to the mouth of the Columbia River. The idea of such a road across the continent was not new. Several men had suggested it in a general way.* But the first who took it up in serious earnest, argued it before the people, urged it on Congress, and gave time, money, and labor to the cause, was Asa Whitney. He had lived in China, knew the value of the trade of the East, and was convinced that a railroad across the continent would enable the merchants of the United States to control it. Returning to the United States in 1844, he prepared a memorial on the subject, which in

* As early as 1834 Dr. Samuel B. Barlow, of Granville, Massachusetts, had advocated a railroad from New York to the Columbia River. E. V. Smalley, History of the Northern Pacific Railroad, pp. 51–56. Peter Von Schmidt, a civil engineer, declared that in 1842 he delivered to the Secretary of President Tyler a scheme for a railroad to the Pacific. Settlers under military discipline were to be stationed along the route from the Missouri River to the Columbia, and were to build the road from post to post for fair wages.—Washington Union, February 3 and 6, 1846.

January, 1845, was laid before the Senate. He had, he said, thought much on the subject of a railroad from Lake Michigan through the Rocky Mountains to the Pacific, believed it practicable, and was sure the results would be far beyond the imagination of man to estimate. If built and connected with the roads which surely would soon join New York and Lake Michigan, the journey from New York to the mouth of the Columbia could be made in eight days and to Amoy in China in thirty. Then could the drills and sheetings of New England and the manufactures of other States be carried to China in a month, and the teas and silks of China brought back to New Orleans, Charleston, Baltimore, New York, and Boston in thirty days more. Build the road and the United States could maintain on the Columbia a naval station but eight days from Washington and with a small naval force command the Pacific, the South Atlantic, the Indian Ocean, and the China seas. Build the road and the whole line of it wherever fit would soon be settled by an industrious and frugal people. Oregon would then become a State of magnitude and importance; but unless made easy of access from the Union would become a separate State which, with cities, harbors, ports all free, would monopolize the fisheries of the Pacific, control the coast trade of Mexico and South America, and draw to her ports all the rich commerce of the Sandwich Islands, China, Japan, Manila, Australia, Java, Singapore, Calcutta, and Bombay. Build the road and Oregon would be held in the Union and the commerce of the East would be ours.

To raise the sixty-five million dollars needed to construct the railroad Whitney asked for a land grant sixty miles wide and winding across the continent from the shores of Lake Michigan to the Pacific.

Congress did nothing, and the next year Whitney came again. Meantime a public meeting at Benton, Missouri, had endorsed his plan, another at Jeffersonville, Indiana, had called on the members of Congress from Indiana to give their support, and sundry citizens of the same State had petitioned for a railroad from the Mississippi to the mouth of the Columbia. Bills were now presented and reports made

in both Houses. The Senate Committee discussed the power of Congress to grant the land, the practicability of the route, the effect of such a railroad on the welfare of agriculture, commerce, manufactures, trade with the Far East, and on the whale fisheries of the Pacific, and, finally, the effect on the Union from moral, political, and military points of view, and having considered all these things approved the plan.*

The House Committee having under consideration a memorial from George Wilkes and numerous petitions and memorials for a railroad from the navigable waters of the Missouri to the Columbia, reported unfavorably. To build a road from some place on Lake Michigan across three thousand miles of uninhabited country, over mountains the lowest pass of which was seventy-five hundred feet above the sea, was a scheme so gigantic as to be impracticable. Such a road, especially one from Lake Michigan, could be used but a part of each year. How hard it was to clear away snow from the tracks of railroads near Washington was well known to everybody. To keep open a road across plains as high as the highest peak of the Alleghanies crossed by the Cumberland road would be all but impossible. The most the Committee would do was to recommend a survey of the Columbia and the Missouri and an examination of the possibility of using the pass over the Rocky Mountains.

It was now quite clear that if anything was to be done, both Congress and the people must be better informed. The winter of 1846 was accordingly spent by Whitney in a lecturing tour across the country. He appeared before State legislatures, addressed boards of trade in the great cities, spoke to meetings of the people in the chief commercial towns, and everywhere his plan was approved. The legislatures of New York, Connecticut, Maine, New Hampshire, Vermont, Rhode Island, Georgia, Tennessee, one after another called on their Senators and Representatives to give it their support. The Board of Trade at New York, and public meetings at Cincinnati, Louisville, Terre Haute, Dayton, Columbus, Wheeling, Philadelphia, Atlanta, after hearing his views, endorsed his plan as practicable and desirable.

* Senate Documents, 1st Session, 29th Congress, No. 466, vol. ix.

Thus fortified, Whitney came again to Congress in March of 1848. He did not, he said, ask for a dollar from the public treasury. He would begin at once and build ten miles at his own expense. When this was finished to the satisfaction of a Commissioner of the United States to be duly appointed, he was to receive a strip of land sixty miles wide, running five miles along the road. From the sale of land in this section he would meet the cost of constructing the ten miles. He would then build ten miles more and receive another land grant five by sixty miles, and so on as long as the sales of land would pay for the cost of construction. Proceeds of sales in the five-mile tract withheld by the Government were to form a fund for road building in regions where the land was poor. A Select Committee of the House reported that the resolutions adopted by public meetings and by the legislatures of seventeen States expressed the almost unanimous wish of the people that the road should be built without delay, that the plan was feasible, and presented a bill to carry it out.*

Had the Mexican War never been fought the scheme of Whitney might perchance have received Government aid. But from the day the treaty was concluded, and New Mexico and California became ours, help for a northern route was out of the question. Attention centred on plans for railroads farther south, and demands were quickly made for them. Early in the spring of 1849 the people of St. Louis, impressed, they said, with the importance of opening communication from the Misssissippi to the Pacific, held a mass-meeting, put the mayor in the chair, and resolved that a railroad across the continent was a national project, that every State and section of the Union ought to be heard regarding it, and called a National Convention to meet in their city in October and consider the best plan for railroad and telegraphic communication with California, Oregon, and the Pacific coast.† More than eight hundred delegates, chiefly from the Mississippi Valley States, responded, chose

* Reports of Committees, 1st Session, 30th Congress, No. 733, vol. iii, 1847–1848.

† Missouri Republican, June 1, 1849.

Douglas their President, and declared for a railroad. To finish it would require time, and as the first great body of gold hunters were then hurrying overland to the diggings the Convention urged the construction of a protected emigrant route and telegraph along the line of the proposed road. O'Reilly, who had built more than seven thousand miles of telegraph, was ready to string the wire if Congress would do its part and provide protection and establish an overland mail. Beginning at the western boundary of Missouri, he would have stockaded posts, after the manner of traders' forts, constructed every twenty miles to San Francisco. They should be large enough to accommodate two hundred persons, for about them land was to be given to settlers who might need a place of refuge when the Indians were troublesome, and each was to be defended by thirty dragoons. Two troopers were to ride daily in both directions between every two stations, carry mail and Government despatches, and protect passing emigrants. In this way a letter could be carried in twelve days from the Missouri River to the Pacific coast. The telegraph was to join each stockade and be supported by the transmission of Government and commercial messages.*

Another projector, Robert Mills, prayed for the adoption of his plan. Communication, he said, by way of Panama, Nicaragua, Tehuantepec would be too slow. Our own country afforded a better way. Charleston would soon be joined with New Orleans by telegraph. From the latter city, therefore, steamships should be sent up the Rio Grande to Laredo, which should be in telegraphic communication with some point on the Gulf of California, whence a line of steamships should run to San Diego, Monterey, San Francisco, and California. In fifteen days by these means a despatch could be sent from Washington to Oregon.†

A Convention which met at Memphis in 1850 declared that a railroad to join the Atlantic with the Pacific was necessary to unite the States, and recommended one from San Diego, up the Gila Valley, through the Paso del Norte,

* Senate Miscellaneous, 32d Congress, 1st Session, No. 67.

† Ibid., 30th Congress, 1st Session, No. 51.

and on to a point on the Mississippi between the mouths of the Ohio and Red rivers as worthy of attention. It did not, however, consider this the only, nor perhaps the best route, nor did it ask Congress to build a railroad. All possible highways to the Pacific coast should be encouraged, but entangling alliances ought not to be made with European nations for the sake of isthmian canals. What it did ask for was that Congress bear the cost of the surveys necessary to decide what was the best, the most practicable route. The Committee having the memorial in charge reported a bill providing for the survey of several routes for a railroad across the continent and of the termini of the proposed ship-canals in Central America.* But Congress was not yet ready to act.

* House Reports of Committees, 31st Congress, 1st Session, No. 439.

CHAPTER LXXXV.

THE RUSH TO CALIFORNIA.

In the early winter of 1848 laborers in the employ of Sutter were building a sawmill on the south fork of the American River some forty miles from his fort. A dry channel was to serve as the tail-race, and to deepen it the earth was loosened during the day and at night the river was allowed to rush through and wash away the sand and gravel. James Wilson Marshall was in charge of the work, and as he walked along the race, one day in January, glittering yellow particles caught his eye. Thinking they might be gold, Marshall gathered and washed some earth and obtained what seemed to be gold-dust. Next morning he came again to see the effects of the night's sluicing, and soon espied a scale larger than any he had yet obtained. This he showed to some of his workmen, who collected three ounces, which Marshall took to Sutter at the fort, where the two men applied such tests as they could and were convinced that the yellow grains were really gold.

Further search in the tail-race by Sutter, Marshall, and the men yielded more, and an examination of the river banks revealed gold all along its course. To keep the discovery secret was not possible. Little by little the news spread, and in March two newspapers, the *Californian* and the *California Star*, made mention of the find in the American River. No excitement followed, however, till the middle of May, when a Mormon, fresh from Coloma, walked along a street in San Francisco holding up a bottle of gold-dust and shouting "Gold! Gold! Gold from the American River!" Then the people went wild with excitement, and launches, sloops, lighters, sail-boats, craft of every kind, crowded with men,

were soon on their way up the Sacramento. Such as could not go by water went on foot, or on horse, mule, or by wagon. One who crossed the Strait of Carquines in April was the only passenger on the ferry-boat. When he returned two weeks later two hundred wagons were waiting to be carried across.* San Francisco became almost deserted by man. Stores were closed, places of business vacated, houses left tenantless, and store-keepers, lawyers, doctors, mechanics, and laborers rushed to the mines.† In May the *Californian* and in June the *Star* ceased to be published. Typesetters, pressmen, and printer's devil had all gone. The Town Council held no sittings. The church was closed. The Alcalde was nowhere to be found, and every ship that came was deserted by her crew almost as soon as she dropped anchor. A vessel from the Sandwich Islands lost all her men. From another in the service of the War Department all save six escaped. A ship of the Hudson's Bay Company, having anchored in the bay, was deserted by the entire crew, whereupon the captain set off for the diggings, leaving the vessel in charge of his wife. Spades and shovels, which in May could be bought for a dollar, in June sold for ten. Salaries of clerks jumped from six hundred to a thousand dollars a year. Cooks demanded a dollar a day. The whole country from San Francisco to Los Angeles, from the ocean to the mountains, the *Californian* declared, resounded with the sordid cry of Gold! Gold! Gold! while fields were left half tilled, houses half built, and every industry, save the manufacture of picks and shovels, was neglected.

As June drew to a close Colonel Mason and Lieutenant William T. Sherman set off from Monterey on a tour of the gold-fields. Monterey at that time had scarcely been touched by the gold fever. But at San Francisco they found that nearly all the men had gone, and the town was almost deserted. Along the route to Sutter's Fort mills were idle, houses vacant, farms going to waste, and horses and cattle wandered through the fields of grain. At the Mormon Diggings, some twenty-five miles up the American Fork, the hill-

* Bancroft, History of California, vol. vi, p. 58.

† Larkin to Buchanan, June 1, 1848.

sides were strewn with tents and brush huts and two hundred men were hard at work in the blazing sun. Some were washing the gravel in pans, some in closely woven Indian baskets, and others with the cradle, a rude box six or eight feet long, open at the lower end and mounted on rockers. At the head of the cradle was a coarse sieve, and across the bottom were nailed cleats. One man dug the gravel at the edge of the stream, a second carried it to the sieve, a third poured on water, and a fourth rocked the cradle. The sieve kept the stones from entering the cradle; the water washed off the earth and carried the gravel out of the machine, leaving the gold mingled with a heavy black sand behind the cleats. The sand was removed to a pan, dried in the sun, and then blown away by the breath, leaving the gold behind.

On Weber's Creek, a few miles below Coloma, Mason was shown a ditch three hundred feet long, four wide, and two deep, from which seventeen thousand dollars in gold had been taken. Another little ravine had yielded twelve thousand. An agent of Commodore Stockton showed him two thousand dollars' worth of "dust" in bags and bottles, the product of three weeks' labor. A man whose word he trusted told him that, with four others, working with a cradle on the American Fork, he made fifty dollars a day for eight days. Yet another who employed fifty Indians as washers, on the North Fork, netted sixteen thousand dollars in five weeks.

The discovery of such riches changed the whole character of Upper California. The people no longer tended herds of horses and cattle and cultivated small patches of ground. All hurried to the mines. The few skilled mechanics who stayed in the towns demanded as much for a day's work as they could expect to make at the diggings. Carpenters and mechanics were paid fifteen and twenty dollars a day. A cook was sometimes paid three hundred dollars a month.

That the army and navy should suffer was inevitable. Mason stated that desertions were frequent; that twenty-six soldiers had gone from the garrison at Sonoma, twenty-four from San Francisco, and a like number from Monterey.*

* Mason to Brigadier-General Jones, August 17, 1848.

In October four companies of the first New York Regiment were paid in full and "all started for the gold-mines." The *Ohio, Warren, Dale, Lexington,* and *Southampton* were then at anchor off Monterey, but could not land a man. They would "desert as soon as they set foot on shore." * Commodore Jones, in October, reports a "rush of eight" from his ship, and in November is at a loss to see how the United States could keep a naval or military station in California. No hope of reward, no fear of punishment, he said, would prevent desertion. Among the deserters from the squadron were some of his best petty officers and seamen having balances due them amounting to over ten thousand dollars.

Marshall, having led the way by his discovery at Coloma, other men began to search elsewhere, and rich placers were found in the valleys of almost every stream that entered Feather River, and along the Stanislaus, Toulumne, and feeders of the San Joaquin. As the area widened the excitement grew, and by August first men from the far-away southern California settlements were coming by thousands. Larkin, who visited the mines in June, believed there were two thousand men at work. Mason in July fixed the number at four thousand, more than half of whom were Indians. By October as many as ten thousand were probably on the ground.

From San Francisco news of the discovery was carried to Honolulu in June, threw that community into a fever of excitement, went thence to British ports at Victoria and Vancouver, and was known in Oregon City by August. Ere the year closed a large part of the population of Oregon had gone by land or sea to the diggings.

Eastward the news was spread by travellers, by letters, and by despatches to the officials at Washington. Larkin wrote to Buchanan in June; Mason sent off his report to the Adjutant-General in August, and Commodore Jones wrote to the Secretary of the Navy in October and November, all of which communications found their way into the newspapers.

Now it was a letter written from Monterey toward the

* William Rich to Paymaster-General Towson, October 23, 1848.

end of August. The people, the writer said, were running over the country and picking gold out of the earth, just as a thousand hogs let loose in a forest would root up ground-nuts. One man, who employed sixty Indians, made a dollar a minute. Seven men, with fifty Indians, gathered, in seven weeks and two days, two hundred and seventy-five pounds of pure gold. Nay, more, he had seen the gold. Ten other men of his acquaintance worked ten days and averaged fifteen hundred dollars each. Still another dug out of a hole in the rock, not larger than a hand-basin, two and a half pounds of gold.*

A captain who made port at Monterey in September wrote to the owners of the vessel that all hands but two had left him, that both mates would go in a few days, that not a vessel anchored there but lost its men, and that his ship was likely to stay where she was for many a day, for there was no chance of getting a crew.†

Meantime, Lieutenant Loeser, bearing the report of Colonel Mason, was hurrying on to Washington. From Monterey he made his way to Peru, then to Panama, crossed the isthmus, sailed to Kingston in Jamaica, and went thence to New Orleans, which then heard the news for the first time. At Washington he delivered the despatch and a small chest called a tea-caddy in which Mason had sent three thousand dollars' worth of gold in lumps and scales. This was placed on exhibition in the War Office, where a writer for the *Washington Union* saw it and believed. However sceptical a man might have been regarding the reports from California, this display, it was said, must convince him that if the quantity of such specimens was as great as represented, California must be richer in gold than any other country of the old world or the new. The arrival of Loeser was followed by the publication of Mason's proclamation of July, the story of the discovery of gold taken from the *Californian* of August fourteenth, and a letter describing the gold-fever at Sonoma.‡

December fifth Taylor announced the discovery in his

* New York Journal of Commerce. † Pennsylvanian, November 28, 1848.
‡ Ibid., December 2, 1848.

message. The abundance of gold was such, he said, as could hardly be believed, were it not for the reports of officers in the public service who had seen the mines. Nearly the whole male population of California had gone to the diggings. Ships on arriving were deserted by their crews. Desertions from the army were frequent, and fears were entertained that men could not be kept in the army without a large increase of pay. Labor commanded an exorbitant price, and every pursuit, save gold-hunting, was abandoned.

All faces now turned westward, and thousands of men made ready to hurry to the gold-fields. How to go to California, what to take to California, when to start for California, became the questions of the hour. Cost of outfit and the journey detained many who would gladly have gone. The great distance and the hardships to be suffered on the way shut out the old and less hardy. But the young and active, the adventurous, those weary of the slow gains of trade and professional life, those eager to get rich, made haste to go.

Till spring came the overland route was closed. But the way by sea was open, and to dwellers on the seaboard was far the better. They might go by Cape Horn, a journey too long for the more eager of the gold seekers. They might go across the Isthmus of Panama, or by the Nicaraguan route, or through Mexico from Vera Cruz to some port on the Pacific, and trust to finding a vessel to carry them thence to San Francisco. Manufacturers of rubber goods advertised tents, beds, gold-bags, and camp blankets, all suitable for use in California. One publisher called attention to "California in 1848, and its Gold Regions." Another to "The Surface Gold Miners' Manual," with fifty-four engravings of implements used in washing gold from sand and gravel. A merchant had just the sort of blankets needed by emigrants to California. A manufacturer advised all going to the gold country to take along one of his Gold Washing Machines. A daguerreotyper urged no one to start for California without leaving the dear ones his picture. Such advertisements as, "An oyster house will be sold low, proprietor is going to California," and, "For sale, for a hundred dollars, half a light, easy business that pays a handsome profit,

principally in the evening, as the advertiser is going to California," became common.* Every ship, brig, schooner, sloop that was half fit to go to sea was scraped, painted, fitted with bunks or cabins and advertised as an A1 fast-sailing, copper-bottomed, copper-nailed vessel, bound for San Francisco direct or via Chagres. Before the middle of December four ships loaded with adventurers left New York and six others were to sail in a few days. The New York *Herald* found fifteen vessels loading for California, and reported many more up for that country in Boston, Salem, Newburyport, Baltimore, and New Orleans. The *True Sun* declared that sixty vessels were up for California in New York City, and that ten thousand people would leave for the gold country within a month.†

Many went out as individuals. Thousands joined companies, or associations, which chartered or bought ships. Twenty-five young men of Groton, Connecticut, formed a stock company, each paying four hundred dollars,‡ and purchased a vessel. A company forming at Hartford required each member to contribute two thousand dollars. A ship was to be chartered for two and a half years, loaded with everything needful and sent around the Horn while the party went overland. At the end of two years all were to return in it. The Sag Harbor California Mining Association bought an old whaler of four hundred and fifty tons, and the Boston and California Mining and Trading Joint Stock Company a ship of six hundred and thirty tons. Still others, numbering from forty to one hundred associates, bore such names as the Albany Mining Association, The New York Yellow Fever Company, The Jersey California Company, The Winfield Mining Company, Gordon's California Association. Each member paid a couple of hundred dollars for a share, which included passage and equipment, and signed articles of agreement.§ By the end of January, 1849,

* New York Sun, January 1, 1849.

† New York True Sun, December 18, 1848.

‡ Pennsylvanian, December 21, 1848.

§ To California Adventurers. A company to consist of forty members is now being formed to proceed with great expedition to California by a healthy and

eighty vessels had set sail for San Francisco by way of Cape Horn, fourteen for Chagres, two for Vera Cruz, two for Brazos, and one for San Juan, carrying, all told, over five thousand seven hundred passengers.* By the end of the first week in February one hundred and thirty-one vessels had left the Atlantic and Gulf ports with over eight thousand gold-hunters.† Some cleared for Tampico, whence the adventurers were to cross Mexico to Mazatlan, and there wait for a vessel for San Francisco.

The newspapers spread broadcast all sorts of exciting rumors, trustworthy and spurious, from San Francisco, and with each batch of letters the gold-fever raged more fiercely than ever. In the middle of January came the letters of Larkin to the Secretary of State, of Jones to the Secretary of the Navy, and of Rich to the War Department.‡ A letter from a gentleman in California stated that lumps of gold a pound in weight had frequently been found, and that good-sized pieces could be dug from the crevices in the rocks.§ A young man who had gone out in the New York volunteers, it was said, had written that he would return in a few months with half a million in gold-dust. A merchant who sent five thousand dollars' worth of old store goods to California as a venture had received the bill of lading from San Francisco for thirty-five thousand dollars in gold-dust, and another gentleman a certificate for sixty-four thousand dollars in bullion deposited in the mint at New Orleans.|| The Philadelphia Mint, it was stated, had coined some California gold into quarter eagles and put the letters "Cal" over the head of the eagle to designate them. A digger just seventy days from San Francisco had passed through Pittsburg with eighty thousand dollars in gold-dust gathered in a short time. A

agreeable route. Young men desirous of getting there soon and at moderate expense may learn particulars on application at the office of D. Benton, 99 S. Front Street, Philadelphia.—North American, January 13, 1849.

* New York Herald list. Pennsylvanian, January 30, 1849.

† New York Tribune list to February 8, 1849. Niles's Register, February 21, 1849.

‡ North American, January 23, 1849.

§ New York Herald, January 21, 1849.

|| North American, January 26, 1849.

letter from General Persifor F. Smith at Panama gave assurances that the stories of the richness of the placers were not exaggerated; that nearly two millions had been taken to Valparaiso and Lima; and that the British Consul had sent away fifteen thousand ounces.

As may well be supposed, the yellow fever raged more fiercely than ever. Companies and associations bound for California filled rapidly; every ship that sailed was so crowded that temporary houses were built on its deck, and by the middle of March more than seventeen thousand gold hunters had left for California. Twelve thousand went by way of Cape Horn and some three thousand by way of Chagres.*

Those whose route was around the Horn met with few adventures, but those who took any one of the isthmian routes had a different tale to tell. Early in the winter of 1848 a Boston merchant, smitten with the fever, organized "The Boston and California Mining and Trading Joint Stock Company," issued a prospectus, and invited application for membership. One hundred and fifty, and no more, were to comprise the company, and each member must put down his name for three hundred dollars. So great was the rush that several hundred applied, and by those rejected other companies were formed. A ship captain of long experience was made president of the Mining and Trading Company, a full-rigged ship bought, a well-chosen library was presented by Edward Everett after whom the vessel was named, and early in January, 1849, she sailed from Boston, bound for California by way of Cape Horn. The first landfall, made late in March, was Tierra del Fuego, and the first port, Valparaiso, was reached late in April.

There, riding at anchor, were two clippers from Baltimore, and in the course of two days four arrived from New York and one from Boston, carrying, all told, five hundred Argonauts. July sixth the Golden Gate was entered and the *Edward Everett* dropped anchor amid a fleet of vessels of every sort and description. Within an hour the sailors had deserted her. Landing on the rocks at Clark's Point, the

* The New York Herald list gives 270 ships cleared, carrying 17,341 passengers.

eager gold-hunters hurried along the shore of the cove and on to the Plaza, or Portsmouth Square, where all was bustle and excitement. The gambling tents were crowded, and the shops of the merchants filled with men outfitting for the diggings.

From San Francisco the *Everett* was taken by a bay pilot to Benicia, where a few remained to set up and launch a little steamer that had been brought along, while the rest of the company in barges and surf-boats set sail for Sacramento, then a busy mining camp, a place of tents and shanties. Along the shore were piles of merchandise, and teams and pack-trains loading for the mines.

The place chosen by the company for digging gold was the Mokelumne River, and thither it went. But when two weeks had sped away the members resolved that co-operative gold digging was a failure and disbanded. The ship and steamboat were sold, a dividend of one hundred and sixty dollars was paid each member, and the Boston and California Mining and Trading Company became a thing of the past. Thirty stayed in California, the rest went back East.*

At New York, two hundred young men formed the Manhattan-California Overland Association, chartered a bark of two hundred tons, fitted her hold with bunks, and duly provided with food, water, and California costumes, set sail for Vera Cruz. A voyage of twenty-four days brought them to the ancient Spanish city which still bore the marks of the bombardment of 1847. The shattered walls and buildings; the solid shots and bits of shells that lay scattered about the streets; the wrecks of surf-boats along the beach where the troops had landed; the army wagons, caissons, and artillery carriages were just as the army had left them to take up the famous march to "the Halls of the Montezumas."

The tales told the party while buying horses and mules were far from pleasant. Merchants assured them that guerillas and robbers infested every mile of the road, that food for neither man nor beast would be found, that the animals would give out and they themselves would be forced to eat the flesh of horses and mules, should they not be murdered.

* Cape Horn and Co-operative Mining in '49. Willard B. Farwell, Century Magazine, August, 1891.

Fifty of the most boastful of the company thereupon lost heart and promptly took passage for New York.

At Jalapa, which was reached on a Sunday, an attack was made by the mob; but a vigorous charge with drawn revolvers opened the way. Once, where the road crossed the bed of a dry stream, a band of robbers awaited them; but a charge on foot by the red-shirted Yankees put the band to flight. At the National Bridge the field was strewn with the unburied bones of those killed there in 1847. On the heights of Cerro Gordo the travellers camped in the midst of unburied bones and of skulls that grinned at them from the branches of trees where they had been set up in mockery. For miles the National Road was still obstructed by trees cut down to hinder the march of Scott.

At Mexico City there was serious trouble on the plaza. A religious procession with Host and bell was passing. All present, save the Americans, fell upon their knees and, bareheaded, made the sign of the cross. Seeing the strangers standing, the crowd set upon them, and forced them to kneel. A mob gathered, and naught save the prompt interference of the calmer Mexicans prevented loss of life. More trouble followed at Guadalajara; but the seaport of San Blas was reached in time, a brig belonging to Howland and Aspinwall was chartered, and after a voyage of thirty days the party, one hundred and twenty strong, landed at San Francisco. Thirty, weary of the slow advance, left the company at Mexico City, pushed hurriedly forward, broke down their horses, reached San Blas too late to catch the brig, and went on to Mazatlan. There a coasting schooner was secured, and after great suffering for want of food and water, they put in at San Diego, where the vessel was condemned. The rest of the journey was made on foot across a barren and deserted country. Anything that could be eaten—buzzards, lizards, crows, nay, even rattlesnakes—the travellers were glad to eat ere the first of them wandered into San Francisco in November, ten months after leaving New York.*

The landing place for those who went by the Isthmus of

* To California in '49, through Mexico. A. C. Ferris, Century Magazine, September, 1891.

Panama was Chagres, a collection of a hundred bamboo huts at the mouth of the Chagres River, once guarded by the ruined but picturesque old Spanish Fort of San Lorenzo. Laziness and listlessness, squalor and dirt were everywhere. Each hut had but one room, in the middle of which was a ring of stones, within which all cooking was done. The women were slipshod and slovenly, the men ragged, the children naked. From Chagres each eager crowd of gold-hunters, after much haggling with the natives, made its way up the river in dugouts provided with bungoes, or low roofs of palmetto branches and leaves, and paddled or pulled by lazy oarsmen. Progress against the current was slow, and three days were often spent in the journey to Gorgona, or, if the river were full, to Cruces, the head of navigation.

There began a struggle for pack-animals to carry the travellers over the four-and-twenty miles from Gorgona to Panama. Hundreds, unable to get a mule on any terms, left their baggage and hurried to the Pacific coast on foot. But their haste was needless; no vessel was to be had; and a long wait followed.

Among those who waited and chafed was General Persifor F. Smith, who with a small escort was on his way to San Francisco to take command of the troops. When he heard that the British Consul had forwarded fifteen thousand ounces of California gold to England, that "dust" worth upwards of nine million francs had been received at Lima and Valparaiso, and that hundreds of men were on their way from the South American ports to the diggings, he announced that he would forbid foreigners taking the gold. Everyone not a citizen of the United States who entered on the public lands for that purpose was a trespasser and should be driven away, if it were possible.* When the *California,* the first steamship sent by the Pacific Steamship Company from New York, in October, 1848, reached Panama late in January, 1849, with seventy-five Peruvians on board, General Smith issued a warning proclamation, and asked the Consul at Panama to inform those at other cities

* Persifor F. Smith to the Secretary of War January 7, 18, 26, February 15, 1849. Executive Documents, 31st Congress, 1st Session, vol. v, No. 17.

on the Pacific coast of South America to make known the fact that the laws prohibiting trespass on the public lands would be enforced against persons not citizens. After his arrival at San Francisco he wrote to the consuls himself, but foreigners came despite his efforts and took away the gold.

The arrival of the *California* caused a struggle for berths. To accommodate the throng that had purchased tickets and had eagerly awaited her was not possible, for a hundred passengers was all she was intended to carry; but the captain yielded to the clamor of the angry crowd, consented to pack his ship, and several hundred were taken on board. Thus loaded down, the *California* steamed slowly up the coast, and toward the end of February entered the bay of San Francisco. All save the captain, mate, and purser promptly deserted her, and for many weeks she was unable to return to Panama. On the arrival of the *Oregon,* the second steamer of the Pacific Mail Steamship Company, to reach Panama, the struggle for tickets at any price was worse than before. Her captain was David D. Porter, and among the passengers were Gwin, who a few months later was elected a United States Senator from California; Weller, who became Senator and Governor of the State; Emory, who rose to be a general of distinction in the Union army; and Lieutenant Derby, whose writings under the name of Phœnix convulsed our fathers.*

Unable to get passage on the steamers, hundreds were driven to risk their lives in such sailing vessels as came by chance to Panama, or such old hulks as were brought from other ports and sold for fabulous prices.

An Argonaut who made the journey by way of the isthmus in the early days of 1849 has described how he caught the gold-fever and organized, in his New England town, a co-operative company of twenty men. The capital was ten thousand dollars, subscribed by persons who did not go. Those who went signed a code of laws and articles of agreement binding them to labor in the gold-fields in the service of the company for two years. Profits were to be divided on the basis of five hundred dollars as the equivalent of each

* Bancroft's California, vol. vi, p. 135.

man's service. A physician was one of the party; but no chaplain volunteering, his place was supplied by sermons to be read to the party on Sundays.

At New York, from among the score of vessels newly painted, gay with bunting, and advertised to sail for Nicaragua, Chagres, Tehuantepec, or Vera Cruz, the leader selected a little brig bound for Chagres. In this the party, with some twenty-five others, set sail in March, and were almost wrecked in a storm, but at the end of three weeks were safe in the harbor of Chagres. The village was so crowded with Argonauts that the company waited till they had gone up the river and the dugouts returned, and while waiting organized as a military company with the leader for captain. A journey of three days in ten dugouts, poled by thirty natives, brought them to Gorgona, where they were told that Panama was full of Americans seeking transportation to California; that no vessel of any sort was in port, and that half the gold-hunters were stricken with disease. To go on was useless; so the company dwelt in its tents on the banks of the Chagres till the approach of the rainy season drove it to the coast, whither it went on foot, taking its goods and provisions on mule-back. Camp was made two miles from Panama, and another long wait for a ship began. Anchored in the harbor, however, was a vessel of five hundred tons. The owner was under a ten-thousand-dollar bond to keep it there as a store-ship for coal; but he was easily persuaded to forfeit his bond and take four hundred passengers at two hundred dollars each to California. In this craft, after floating and sailing for seven weeks, the harbor of Acapulco was reached. A score of Americans who had come on foot from the City of Mexico were waiting there, ragged and penniless, for a ship to San Francisco. To these unfortunates twenty of the passengers gave up their tickets and settled down at Acapulco to while away the three weeks which passed before the *Panama*, of the Pacific Mail Steamship Company, entered the bay. Because of failure to observe quarantine regulations, her boat was not allowed to come to shore, and more weeks dragged along till the *California* arrived and carried the Americans to San Francisco. Nearly

seven months had passed since the narrator of these adventures left New York.*

Those who tried the Nicaragua route found it quite as bad. In February, 1849, a party of young men just graduated from Yale took passage from New York to San Juan. The ship was advertised to sail during the first week in February, and in sixty days they were to be in San Francisco. But day after day came and went and the month closed before the little brig, with her one hundred and thirty-six passengers, rounded Sandy Hook and started southward. A run of three weeks brought her to the mouth of the San Juan River, opposite the cluster of steep-roofed cane houses which composed the town of San Juan de Nicaragua. There the party waited three weeks while the machinery of the little steamboat which had been brought along was put together, only to be condemned as worthless. Deprived of the steamboat, the travellers were taken up the San Juan in dugouts to San Carlos, where the river leaves the lake.

To men less eager to reach their destination the journey would have been a trip full of pleasure. The beauty of the river and the landscape, the strange vegetation of the forests, the brilliant flowers, the long, waving palms, the great cactus, and the festoons of vines that hung down from the lofty branches of tamarind and dye-wood trees, combined to make a picture whose beauty the dullest could not fail to admire. There, for the first time, they beheld in a state of nature monkeys, pelicans, and the bright-plumed paroquets and macaws; ate cocoanuts and oranges plucked from the trees, and shot alligators as they floated lazily in the river. At evening they camped on some sandy beach, hunted iguana eggs or caught fish for supper, and at dawn were aroused from sleep by the matin song of the boatmen.

From San Carlos the party went by sail-boat to Granada, at the western end of the lake, and thence by mule to Leon. Nicaragua was then enjoying one of her innumerable revolutions. The Americans were therefore called on to act as a guard to the President and later to escort the American *chargé* from Granada to Leon. At last, late in July, the

* To Panama in '49. Julius H. Pratt, Century Magazine, April, 1891.

party broke up; some sailed from Realejo and, after dreadful suffering and a voyage of nearly five months, reached San Francisco. Others sailed in a little boat from Panama and were never heard of; still others boarded a sailing vessel at Realejo and, after enduring the miseries of hunger and thirst, reached San Francisco in October.*

Early in March the great emigration overland began and scores of companies and thousands of men attached to no company set off for the gathering grounds in western Missouri. A band of fifty-one young men from Boston and Roxbury wore neat gray uniforms, carried rifles, were under military rules, and called themselves the Congress and California Mutual Protective Association.† Another, formed at Lynn and numbering fifty-two, also armed and uniformed, was known as the Sagamore and California Mining and Trading Company.‡ A hundred men, under command of an army officer, left New York City in April, bound for California by way of Galveston, Houston, and Kearny's route down the Gila River. But the great place of muster was Independence, toward which, early in April, thousands of men moved from every part of the country. They came on horseback and on foot; they came with pack-trains and with prairie schooners, with wagons and carts of every description, and with herds of cattle. Letters from the frontier state that hundreds of wagons from Michigan, Wisconsin, and Northern Illinois passed through Burlington, Iowa, during one week in March; § that at Van Buren, one of the starting-points, four hundred had gathered by the middle of April, that two hundred from Memphis were moving up the Arkansas River, that thirty from Pittsburg were on their way, that a thousand were coming by land from Napoleon, at the mouth of the Missouri River, and that the roads in every direction were lined with the wagons of emigrating parties from the lower counties of Missouri, Iowa, Wisconsin, Michigan, and Illinois.‖ Every steamer that came up

* Tarrying in Nicaragua, Roger S. Baldwin, Jr., Century Magazine, April, 1891.
† North American, March 22, 1849. ‡ Ibid., April 2, 1849.
§ Missouri Republican, March 31, 1849; Burlington Hawkeye, March 29, 1849.
‖ Ibid., May 2, 1849.

the river was crowded. Three thousand were said to be camped in the woods near Independence, fifteen hundred at St. Joseph, and several hundred at Westport, Kansas, Weston, and Council Bluffs.

Such as came alone or in small parties joined some large company or with others formed a new association of their own. Every spot near Independence fit for a camp site was occupied by emigrants. As each company completed its organization and outfit it moved off to a more distant spot to make room for new-comers. The country for sixty miles across the Missouri was dotted with such camps, for the spring was late and until the grass on the prairie was high enough to feed the herds of cattle it would not be safe to move. Thus was it that, ere the great wave of gold-hunters swept over the plains, some twenty thousand souls were gathered along the frontier from Independence to Council Bluffs.

By the first of May the march began, and in less than three weeks twenty-eight hundred and fifty wagons had gone over the river at or near St. Joseph, and fifteen hundred at Savannah Landing and Council Bluffs. As each, on the average, was drawn by eight oxen and followed by four men, it was estimated that seventeen thousand four hundred human beings and thirty-eight thousand animals had crossed between St. Joseph and Council Bluffs. More than twenty thousand mules and horses, meantime, had left Independence. The country, it was said, for miles and miles was a great tented field. A letter from two hundred miles from St. Joseph describes the plains as "glittering with wagons, carriages, tents, and animals." One who went one hundred and forty miles with the emigrants declared that on his way back he counted eleven hundred and twenty-five wagons.

The routes taken by the emigrants from their starting-points led over rolling prairie, rich in verdure, to the Platte at Grand Island, fifteen days' journey from Independence, whence the united streams as one great caravan swept along westward. Just beyond Grand Island was Fort Kearny, where a record of passing teams was kept, from which it appears that, up to May twenty-first, eleven hundred and three

wagons and five thousand emigrants bound for the South Pass were counted; that on the following day the number of wagons rose to thirteen hundred and thirty-five; reached twenty-six hundred before the end of May, and on June fifth was four thousand eight hundred and four. The great wave had by that time swept by, the passing wagons grew less and less each day, and by June twenty-second naught but stragglers in the rear were left. Five thousand five hundred and sixteen wagons had then been counted, and some two hundred more were estimated to be coming. Twenty thousand persons and sixty thousand animals were believed to have passed the fort. Hundreds had turned back at the frontier. Many, estimated at two thousand, had died of cholera. Up the valley of the Platte the emigrant wound his way to the South Fork, followed it a little distance, and then crossed to the North Fork, where, at a spring of pure, cool water, was the rude post-office, described by Bryant, in which letters were dropped to be carried back to the States by any one who went that way. Farther on the famous Chimney Rock was passed, and farther still Fort Bernard, a trading post of logs, eight miles beyond which was Laramie, the westernmost fort of the United States.

Fort Laramie, or Fort John, had recently been sold to the United States, and was then occupied by several companies of soldiers. The way was now over the Black Hill country to the South Pass. Long before this stage of the journey was reached the strain on animals and men began to tell; for thirty miles east of Fort Kearny the road was littered with pickaxes, shovels, anvils, blacksmiths' tools, feather beds and rocking chairs, stoves, pots, and boxes.* Some left wagons with cards attached stating that those who came after might have them. Stansbury, who passed over the trail in July of 1849, found the prairie some thirty miles beyond Laramie strewn with wreckage. Here, the charred fragments of a dozen wagons broken up and burned by their owners. There, some eight hundredweight of bacon piled in a heap. "Boxes, barrels, trunks, wagon

* Missouri Republican, June 7 and 16, 1849.

wheels, whole wagon bodies, cooking utensils," * lay scattered about. Twenty miles farther on he came again to burned wagons, trunks and "immense quantities of white beans." Stoves, gridirons, planes, and carpenters' tools were to be had at every step for the mere trouble of picking them up.† Near Red Buttes, one hundred and fifty miles beyond Laramie, he saw the remains of seventeen wagons and the carcasses of twenty-seven oxen. The road was literally strewn with anvils, bellows, bar iron, crowbars, drills, augers, gold washers, axes, spades, ploughs, grindstones, bake-ovens, stoves without number, barrels, trunks, harness.‡ On the following day thirty-one head of dead cattle were counted.

Turning from the Platte, the trail led over to the Sweetwater River, passed Independence Rock, which Stansbury found carved with the names of emigrants, entered the Devil's Gate, a great gorge in the Granite Hills through which brawled the Sweetwater, and winding down the valley, crossing and recrossing the river repeatedly, finally turned aside and climbed the gradual ascent to the South Pass, on the top of the divide which parts the waters of the Atlantic from those of the Pacific. On the western slope, two miles from the Pass, was Pacific Spring, whose waters flowed into the Colorado of the West which empties into the Gulf of California. The emigrant who reached this spring was nine hundred and eighty-three miles from Independence.

Seventy miles farther on was the Green River crossing, and fifty miles beyond this Fort Bridger. Here the emigrant had a choice of two ways to the Humboldt River; one, by the "Hastings cut-off," along the south shore of Great Salt Lake, across the desert, around the south end of the Humboldt Mountains, and by the south branch of the Humboldt to the main river. The other to Fort Hall and by the Snake or Lewis River to the head-waters of the Humboldt, and along it to the great bend. There, if the emigrant chose the northern route, he turned off and went over Lassen's Pass to Pitt River and the Sacramento Valley.

* Exploration and Survey of the Valley of the Great Salt Lake of Utah. Captain Howard Stansbury, 1849, p. 55.

† Ibid., p. 57.

‡ Ibid., p. 63.

But he might, if he wished, go down the Humboldt to the Sink where it disappeared, and by Henness Pass, the Yuba Valley, and Esther River reach the Sacramento. A more southern trail led from the Sink to Carson River.

A gold-hunter who took this route describes the Humboldt as without perceptible current, without a fish or living creature in its waters, winding its sluggish way through a desert till it disappeared. There was not, he said, wood enough in the whole valley to make a snuffbox, nor along its banks vegetation sufficient to shade a rabbit. The region was a great desert of sand and ashes, so compact that the horses left no imprint, while the rays of the sun reflected from the ground made the heat almost unbearable.

At the sink of the Humboldt he had expected to find a great rent in the earth into which the waters of the river plunged with a roar. He found instead a mud lake, ten miles long and half as wide, "a sea of slime, an ocean of ooze, a bottomless bed of alkali poison which emitted a nauseous odor and presented the appearance of utter desolation." * For miles around the lake stretched a sandy plain, covered with deposits of potash. A continuous march of thirty-four hours across the desert brought him and his companions to the Carson River. The last twenty miles of the journey bore silent testimony to the suffering of those who had gone on before, for along the trail lay the bodies of oxen with their yokes still on them, the carcasses of horses and mules from which the harness had not been removed, wagons from whose parched and shrunken wheels the tires were ready to drop, and abandoned property of every sort.

The desert passed, the way was up the Carson River to Tahoe Lake and by Johnson's Pass to the Valley of the Sacramento.

Toward autumn the first of the overland emigrants came streaming across the mountains. The tales they told of the thousands that were crossing, of the hardships they had suffered, and the appearance they presented, made it quite clear that relief must be sent to those still far in the rear. Some had lost their cattle by death, others had been robbed by the

* Across the Plains in Forty-Nine. R. C. Shaw.

Map of the United States in 1850.

Indians and, forced to leave their wagons, had made the journey on foot. Late in August, accordingly, Major Rucker was ordered to organize parties and hasten with animals and food to the aid of belated emigrants. Passing up the Sacramento River to the spot where the Lassen route met it, he crossed into Deer Creek Valley and entered the mountains. There he found the trail crowded with emigrants on foot and in wagons, travelling separately, for the organized companies and trains that started so hopefully from the East had long ago dissolved. In the course of fourteen miles one day he passed thirty abandoned wagons, saw many dead oxen, and met a great number of footmen, in parties of from two to six, with their clothing packed on their backs. Their animals had given out and for a hundred miles they had trudged along on foot. On another day he met seventy wagons and many men sick with scurvy. In the Deer Creek Valley, in going nine miles, he counted twenty-seven wagons and came upon a camp of two hundred. Numbers of the emigrants were too sick to travel. One man had a little boy by his side, carried a child in his arms, and had a mule on which was seated his sick wife. As the Major pushed toward the rear of the great stream almost every one he met begged for food. Such as were destitute were relieved. Such as had enough to last were refused and urged to hurry to the settlement. While on a branch of the Feather River he came to a camp where there were fifty-six wagons and was at once surrounded by men asking for food. Provisions were given them, and as he proceeded he was stopped half a dozen times by families who had scarcely anything to eat. One of them was composed of a father, mother, and six children on foot. They had lost their cattle and been forced to abandon their wagons. That day, in a distance of nine miles, eighty-three wagons were passed, and during the next week two hundred and twenty-five and a host of packers.

Late in October the rear of the emigration was on Pitt River. Winter was near, but no urging could make the men throw away one article. With wagons loaded from the bed to the top of the bows, with teams footsore, exhausted, and nearly broken down, they persisted in creeping slowly along.

Not till the snow was upon them did they begin to hurry. Then it was too late, for the snow fell day after day, animals perished from cold, and to move a wagon became impossible. A few women who could brave the storm were hurried out of the region of snow, and the rest, as soon as possible, were brought to the settlements. "A more pitiable sight," wrote a Major Rucker, "I had never before beheld." Some were crippled by scurvy; women and children were too weak to move a limb, and many of the men had to be lifted on and off their mules.*

Those who went to the relief of emigrants by the Truckee River and Carson River routes had a like story to tell; but ere the end of November all were brought safely over the mountains.

San Francisco, to which tens of thousands of gold-hunters had gone by sea, dated its existence from a day in 1835 when a Captain Richardson put up on the shore of Yerba Buena Cove the first dwelling of a white man, four redwood posts covered with a sail. Five years later Yerba Buena village numbered a dozen houses and some fifty people. When Montgomery landed from the *Portsmouth* in 1846 and raised the American flag on the Plaza, the population may have been two hundred and the dwellings as many as fifty. Yerba Buena having thus become American, the Plaza was renamed Portsmouth Square, in honor of the ship of war in the offing, and the street nearest the beach was called Montgomery. In January, 1847, the name of the town was changed to San Francisco by order of the first American alcalde, and the California *Star*, the first newspaper in the place, issued its first number. The tide of immigration from the United States by that time had set in strongly, and when news of the discovery of gold came, the shanties, adobe and frame houses clustered by the curving shore of the cove numbered several hundred. North of the town rose Telegraph Hill, and at its foot was Clark's Point, the one good landing place, for when the tide was out a great mud flat lay exposed in front of the beach.

The streets, or more properly the clay roads, were laid

* Senate Documents, 31st Congress, 1st Session, vol. xiii, No. 52, pp. 96–152.

out at right angles. Those parallel with the water front formed a series of terraces. Those ascending the hills or running along their side were in some places cut down ten feet below the surface. Here and there was an adobe house going back to Mexican days when San Francisco was Yerba Buena. But by midsummer of 1849 the greater part of the town was composed of cheap one-story houses, shanties, sheds, and hundreds of tents. The houses were of rough boards and unpainted. In the best of them cotton or calico nailed against the walls and ceilings did duty for plaster. Many a business was carried on in a tent, and thousands of men found shelter at night in tents of canvas, boughs, or common blankets. Homes there were few. San Francisco swarmed with men, but they had not come to stay. They ate a few meals at restaurants, boarding-houses, or hotels; slept for a few nights on the floors or in cots or filthy bunks made fast to the board walls of some canvas-covered lodging-house, and hastened to the mines.

Gold was everywhere visible, and, with doubloons and dollars, was the only currency. A town meeting in September, 1848, fixed the price of gold-dust at sixteen dollars an ounce, but its purchasing power was greatly affected by the ease and abundance with which it was obtained. Unskilled laborers were paid ten dollars a day. Carpenters and blacksmiths, the only kind of skilled laborers to be had, received an ounce of gold a day. At the Café Français, a cup of coffee, a slice of ham and two eggs cost three dollars; yet the café was crowded all day long. Washing was eight dollars a dozen; lumber was cheap at six hundred dollars a thousand feet; houses and lots sold from ten thousand to seventy-five thousand dollars each. Rumors were current of fabulous rents paid by the gamblers and keepers of hotels. For the Parker House, a two-story building on the Plaza, a hundred and twenty thousand dollars a year was paid. The rent of El Dorado, a huge canvas tent near the Parker House and used for gambling, was forty thousand a year. The United States Hotel was rented for thirty-six thousand.

Of the four or five hundred square-rigged ships which, deserted by their crews, rode at anchor in the harbor, some

in time were sailed away; some fell to pieces where they were moored. A few, drawn up on the mud flats, were turned into warehouses, lodging-houses, and saloons. One became the first jail in the town.

What happened in San Francisco, happened in a score of places. Stockton, from a single ranch house, grew to a canvas town of a thousand souls in a few months. Sacramento, which had no existence in 1848, was a bustling canvas town in 1849, with a hotel which rented for thirty thousand dollars a year. Speculators made haste to buy up available sites, lay out a city, name it Benecia, Oro, or Kearny, give away a few lots to actual settlers, and sell the rest at exorbitant prices. But the great cities that were expected to arise were never seen. Others speculated in dry-goods and miners' supplies of all sorts. Brought from places thousands of miles away, their cost under the best of conditions would have been high. Flour came from Chili and Australia; sugar and rice from China;* shovels, picks, dry-goods from the ports on the Atlantic. In the early days of '49 the simplest article sold for a fabulous price—a shirt for forty dollars, a tin pan for nine, a candle for three, a barrel of pork for two hundred and ten.† On the other hand, whole cargoes of goods utterly unsuited to the needs of the population—silks, calicoes, costly furniture—lay in heaps on the sand.‡ Articles which one day brought great prices because of scarcity, would, the next day, on the arrival of a few ships, be almost unsalable because of the glut.

From this strange town each company, association, ship-load of Argonauts made haste to the mines. Whether up the Sacramento and the Feather rivers to the northern gold country, or up the San Joaquin to the southern region, was, in general, a mere matter of fancy or was determined by the latest story of rich placers. Companies and associations often made camps of their own. Individuals went to Slap-jack Bar, Mad Mule Gulch, Rat-trap Slide, You Bet, Git-up-and-Git, Chicken Thief Flat, or one of a hundred other

* C. H. Shinn, Mining Camps, p. 138.

† Shinn, Mining Camps, p. 139.

‡ Johnson's Sights in the Gold Regions and Scenes by the Way, p. 109.

camps scattered over the gulches and ravines of a region three hundred miles long and fifty wide. Rough and Ready Camp, begun by ten men in 1849, had five hundred in it by September of 1850. Washington Camp, located in 1849, had a thousand miners within a year. As they rose quickly, so the camps fell quickly.

The new-comer in such a place found himself in a community without law, but meting out justice and guarding property by rules and regulations enforced by officers of its own choosing. Sometimes an alcalde was elected and given powers of the most ample sort. He heard complaints; he settled disputes; he summoned juries; he enforced the unwritten by-laws of the camps, the bounds of which were well defined. Each miner was allotted a claim ten feet or more square, and his right to that plot was scrupulously respected. The punishments in use were fines, flogging, expulsion from the camp, and, when necessary, death. Sometimes government was intrusted to a committee of justice, sometimes to a miners' court.

These courts were mass-meetings called together when occasion required. Once assembled a temporary chairman was elected and the business taken up at once. If the camp was large a jury was generally drawn; if small, decision was given by the votes of all present. The offender, horse-thief, claim-jumper, sluice-robber, thief, murderer, was defended by men who very likely had studied law in the East, the chairman delivered the charge, the verdict was rendered, and the crowd saw that it was duly carried out.* Of matters of a purely personal kind, not relating to life and property, questions of debt, quarrels, and individual difficulties, these courts took no cognizance. Each man must settle such matters for himself.

With the oncoming of winter in 1848 the miners driven from the gulches returned to the towns. There they quickly saw that other things than gold-mining must receive attention. Congress had provided no form of territorial government. The military government which since the ratification of the treaty had existed merely because no other was to

* Shinn, Mining Camps, pp. 177–178.

be had was utterly unsuited to the public wants.* The returned miners began therefore at once to seek a better. A great meeting at San José in December called on the people of California to organize and elect delegates to a Convention to frame a provisional territorial government, and selected San José as the place and the first Monday in January as the time.† The people of San Francisco approved the call, but urged that the time be changed to the fifth of March.‡ To these suggestions Sacramento and Monterey in January of 1849 and Sonoma in February assented; but the delegates from Monterey obtained a further postponement till the first day of May.

Repeated postponements caused a loss of interest in the movement. To have attempted to assemble the Convention at the time appointed would have ended in failure. Twelve of the delegates, therefore, met at San Francisco in March and put off the time to the first Monday in August, and changed the place to Monterey. But a series of events it is now necessary to narrate changed the whole course of political affairs and the Convention never assembled.

In April General Bennett Riley landed at Monterey with troops and orders from the Secretary of War to take up the duties of Civil Governor under the *de facto* government which Polk held was in existence. But when it was known that Congress had adjourned without organizing California as a Territory Riley § ordered the election of thirty-seven delegates to frame a State Constitution or a plan of territorial government.|| The proclamation was approved by the people of San José and of Monterey, but was rejected at San Francisco. A Committee of Correspondence, however, was appointed and addressed the people. The right of Riley to fix a time for the election and a place for the meeting of the delegates was denied. But as San José had approved, and other districts would surely do so, it was recommended that under the circumstances San Francisco accede. This the

* Memorial from the Constitution Convention of California to Congress, presented March 12, 1850.

† Star and Californian, December 23, 1848.

‡ Alta Californian, January 4, 1849. § Ibid., June 14, 1849. || Ibid.

people did, other districts followed, and in September a constitution was made at Monterey.

After the manner of that day, imprisonment for debt, save in cases of fraud, was forbidden; no lotteries were to be authorized by the legislature, no charter for banking purposes was to be granted, and no bill, check, certificate, ticket, promissory note, or other paper was to be issued by any association to circulate as money. Stockholders in corporations were made individually liable for their proportion of its debts and liabilities. The credit of the State was never to be pledged in any manner in aid of an individual, association, or corporation. Real and personal property of a woman before, was to remain her separate property after, marriage, and laws were to be enacted exempting a certain portion of the homestead and other property of all heads of families from forced sale. The State debt was never to exceed three hundred thousand dollars unless the act authorizing it made ample provision for payment of interest and of the principal within twenty years, and unless after submission to the people it received a majority of all votes cast for and against it. By a unanimous vote and without debate slavery was forbidden.

What should be the eastern boundary of California was discussed during these days. Some were for taking all California as it was under Mexican rule; others were in favor of the one hundred and sixteenth meridian from Oregon to Mexico. The result was a compromise by which the line was drawn as at present.

The Convention having finished its work, the people ratified the constitution, chose State officers, a legislature, and two members of Congress, and before the year ended Peter H. Burnett was duly inaugurated Governor, and John C. Frémont and William M. Gwin were elected Senators.

East of the Sierra Nevada Mountains, meanwhile, another constitution had been framed for another State with boundaries overlapping those of California. When Brigham Young chose the Salt Lake basin for the new home of the Saints he was without the bounds of the United States, and on the soil of a distant province of Mexico. There for years to come, had there been no war, the Mormons would prob-

ably have lived unmolested under such government as Young saw fit to establish. But when the treaty of Guadaloupe Hidalgo was proclaimed the supreme law of the land, he was once more under the jurisdiction of the Government he hated. Submission was necessary; there was no help for it. But that as much independence as possible might be had he determined to form a State and seek admission into the Union. In February, 1849, therefore, notices were posted summoning all citizens of the country east of the Sierra Nevada Mountains to attend a Convention at Great Salt Lake City in March. Many came, and ere they dispersed adopted a constitution for the State of Deseret. The reasons given were the old familiar ones. Peace had put an end to all government of Mexican origin. Congress had failed to provide any other. Civil government of some kind was absolutely necessary, and, as all political power was inherent in the people, they had a right to set up such as pleased them.

The area of Deseret was enormous. Starting on the divide between the Rio Grande and the Gila rivers the line ran westward along the Mexican boundary to the Pacific; then up the coast to longitude 118° 30′ so as to include the port of San Diego; then north by that meridian to the crest of the Sierra Nevadas, and along the mountain crest to the divide which parted the waters of the Columbia from those of the great basin; then eastward by the divide to the Wind River Mountains; and then southward by the divide parting the waters of the Gulf of Mexico from the waters of the Gulf of California, to the place of beginning.

Having made a State constitution the Mormons seemed to have been at a loss what to do next. Brigham Young was indeed made Governor, and a legislature was chosen, but no representative, no Senators were elected. Instead, a delegate was chosen and sent to Washington with a memorial praying for the admission of Deseret into the Union or for any "other form of civil government" Congress in its "wisdom and magnanimity may award to the people of Deseret." *

* The Constitution of Deseret, the Journal of the Convention and the Memorial are published in House Miscellaneous Documents, 31st Congress, 1st Session, Document No. 18.

When the Church of Jesus Christ of Latter-Day Saints over which William Smith, a brother of the prophet, presided at Covington, Kentucky, heard of all these things, it protested strongly against the admission of Deseret. The Salt-Lake Mormons were declared to be opposed to pure principles of virtue, were described as bitter enemies of the Government, who had attempted, by electing Young Governor, to join Church and State; and as teachers and practitioners of polygamy. Nay, before leaving Nauvoo fifteen hundred of them had sworn "in the presence of Almighty God and his holy angels," to avenge the blood of Joseph Smith upon the nation, and to "carry out hostility against it henceforth and forever." *

As planned by the Mormons the State of Deseret included within its bounds the greater part of New Mexico. But the people of New Mexico now marked out a territory which embraced the greater part of Deseret. The adjournment of Congress without providing any form of civil government was soon followed by a proclamation by the acting Governor calling a Convention to frame such a plan as the people thought best fitted to their needs. It met at Santa Fé in September, adopted what may be called a Territorial constitution, elected a delegate to represent New Mexico in the coming Congress, and defined her boundaries in a vague and general way. They were to be on the north, the Indian Territory; on the West, California; on the South, Mexico; and on the East, Texas; but just what was the western limit of Texas was already in dispute.

Instructions to the delegates set forth that for three years past the people had suffered from the effect of a government, undefined, of doubtful authority, unable to enforce its laws, protect the citizens, or do any of those things a government ought to do. Want of protection against the Eutaws, Comanches, Apaches, Navajos had hindered the spread of settlements, prevented the development of the resources of the country, caused the loss of thousands of cattle, and the murder, or captivity, of men, women, and children. He was to

* The Memorial is in House Miscellaneous Documents, 31st Congress, 1st Session, Document No. 43.

urge on Congress the need of troops in the Territory, of money for schools, of public highways, post-roads, county buildings, a library for the use of the Government, and a fort in the heart of the Navajo country to overawe the Indians and protect the settlers from raids and robberies by that tribe.

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